THE MADRAS CODE

IN TWO VOLUMES.

AGENTS FOR THE SALE OF BOOKS

PUBLISHED BY THE

Superintendent, Government Printing, India, Calcutta.

AGENTS IN EUROPE.

Constable & Co., 10, Orange Street, Leicester Square, London, W.C.

Kegan Paul, Trench, Trubner & Co., 68-74, Carter Lane, E.C., and 25, Museum Street, London, W.C.

Bernard Quaritch, 11, Grafton Street, New Bond Street, London, W.

P. S. King & Sons, 2 and 4, Great Smith Street, Westminster, London, S.W.

H. S. King & Co., 65, Cornhill, E.C., and 9, Pall Mall, London, W.

Grindlay & Co., 54, Parliament Street, London, S.W.

Luzac & Co., 46, Great Russell Street, London, W.C.

W. Thacker & Co., 2, Creed Lane, London, E.C.

T. Fisher Unwin, Limited, No. 1, Adelphi Terrace, London, W.C.

B. H. Blackwell, 50 and 51, Broad Street, Oxford.

Deighton Bell & Co., Ld., Cambridge.

Oliver and Boyd, Tweeddale Court, Edinburgh.

E. Ponsonby, Limited, 116, Grafton Street, Dublin.

Ernest Leroux, 28, Rue Bonaparte, Paris.

Martinus Nijhoff, The Hague, Holland.

AGENTS IN INDIA AND CEYLON.

Thacker, Spink & Co., Calcutta and Simla.

Newman & Co., Calcutta.

R. Cambray & Co., Calcutta.

S. K. Lahiri & Co., Calcutta.

B. Banerjee & Co., Calcutta.

The Indian School Supply Depôt, 309, Bow Bazar Street, Calcutta, and 226, Nawabpur, Dacca.

Butterworth & Co., (India), Limited, Calcutta.

Rai M. C. Sarcar Bahadur and Sons, 75-1-1, Harrison Road, Calcutta.

The Weldon Library, 18-5, Chowringhee Road, Calcutta.

Higginbotham & Co., Madras.

V. Kalyanarama Iyer & Co., Madras.

G. A. Natesan & Co., Madras.

S. Murthy & Co., Madras.

Thompson & Co., Madras.

Temple & Co., Madras.

P. R. Rama Iyer & Co., Madras.

E. M. Gopalakrishna Kone, Madura.

Thacker & Co., Ld., Bombay.

A. J. Combridge & Co., Bombay.

D. B. Taraporevala, Sons & Co., Bombay.

Mrs. Radhabai Atmaram Sagoon, Bombay.

Sunder Pandurang, Bombay.

Gopal Narayan & Co., Bombay.

Ram Chandra Govind & Son, Kalbadevi, Bombay.

A. H. Wheeler & Co., Allahabad, Calcutta and Bombay.

N. B. Mathur, Superintendent, Nazir Kanun Hind Press, Allahabad.

Rai Sahib M. Gulab Singh & Sons, Mufid-i-Am Press, Lahore and Calcutta.

A. Chand & Co., Lahore, Punjab.

Superintendent, American Baptist Mission Press, Rangoon.

S. C. Talukdar Proprietor, Students and Company, Cooch Behar.

A. M. & J. Ferguson, Ceylon.

Manager, Educational Book Depôts, Nagpur and Jubbulpore.*

Manager of the Imperial Book Depôt, 63 Chandney Chauk Street, Delhi.*

Manager, "The Agra Medical Hall and Co-operative Association, Limited" (Successors to A. John & Co., Agra).*

T. K. Seetharam Aiyar, Kumbakonam.*

Superintendent, Basel Mission Book and Tract Depository, Mangalore.*

P. Varadachary & Co., Madras.*

H. Liddell, Printer, etc., 7, South Road, Allahabad.*

D. C. Anand & Sons, Peshawar.*

Ram Dayal Agarwala, 184, Katra, Allahabad.*

Manager, Newal Kishore Press, Lucknow.*

* Agents for the sale of the Legislative Department publications only.

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE MADRAS CODE

IN TWO VOLUMES

VOLUME II:

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL FROM 1885 AND APPENDIX CONTAINING NOTIFICATIONS, RULES AND ORDERS, ISSUED UNDER THE SCHEDULED DISTRICTS ACT, 1874 AND ACT XXIV OF 1839 FOR CERTAIN SCHEDULED DISTRICTS, TOGETHER WITH AN INDEX

FOURTH EDITION.

CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
1916

Price Six Rupees.
English price Nine Shillings.

CHRONOLOGICAL TABLE.

PART I.—UNREPEALED REGULATIONS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

NOTE —(a) Enactments which are only in force in the Scheduled Districts in Madras are noted below in italics

(b) Where an enactment has been repealed in part, and the residue has been subsequently repealed, the latter repeal only has been noted

Year	No	Subject or short title	Repeals and amendments	Page
1802	III	The Madras Administration of Estates Regulation, 1802	Rep in part, Mad Reg V of 1829 s 2, Act X of 1861, " XVII of 1862, " III of 1873, " XVI of 1874, " XII of 1876, " XI of 1901 " Mad Act V of 1867, " *Mad Act II of 1869*	1
"	XIX	The Indian Civil Service (Madras) Loans Prohibition Regulation, 1802	Rep in part, Act XI of 1901, Mad Act II of 1869	4
"	XXV	The Madras Permanent Settlement Regulation, 1802	Rep in part, Mad Act II of 1869 S 11 rep (locally when notified), Mad Act II *of 1894* s 3	5
"	XXVI	The Madras Land Registration Regulation 1802	Rep in part, Mad Act II of 1864, s 65 Rep in part and amended, Act XI of 1901	9
"	XXIX	The Madras Karnams Regulation, 1802	Rep in part, Mad Reg II of 1806, s 7, Act XII of 1876, Rep locally, Mad Act II *of 1894 (when notified)*, Rep in part (except in Scheduled Districts) Mad Act III of 1895	10

N B —For a complete Chronological list of all Enactments, whether repealed or unrepealed, *see* the Chronological Tables and *Index of the Indian Statutes, Vol I*

Chronological Tables.

PART I.—UNREPEALED REGULATIONS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL—*contd.*

Year.	No.	Subject or short title.	Repeals and amendments.	Page.
1803	I	The Madras Board of Revenue Regulation, 1803.	Rep. in part, Mad. Reg. II of 1806; Mad. Reg. V of 1828; Mad Reg. III of 1830; Act XXIII of 1871; Act X of 1873; Mad. Act II of 1864; s. 62; Mad. Act II of 1869. Rep. in part and supplemented, Mad. Act I of 1894.	14
"	II	The Madras Collectors Regulation, 1803.	Rep. in part, Mad. Reg. II of 1806; Act XXIII of 1871; Act XII of 1873; Act XII of 1876; Mad. Act II of 1864, s. 62; Mad. Act VI of 1865; Mad. Act II of 1869. S. 25 rep. Mad. Act I of 1902.	19
1804	*V*	*The Madras Court of Wards Regulation, 1804.*	*Rep., except as regards the Scheduled Districts, Mad. Act I of 1902.*	*25*
1806	*II*	*Karnams . . .*	*Rep., except as regards the Scheduled Districts, Mad. Act III of 1895.*	*25*
1808	VII	The Madras State-offences Regulation, 1808.	Rep. in part, Act XII of 1876; Mad. Act II of 1869; Amended, Act XIII of 1894.	26
1816	I	The Tanjore Police Regulation, 1816.	Rep. in part, XVIII of 1861.	27

PART I.—UNREPEALED REGULATIONS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL—*contd*

Year	No	Subject or short title	Repeals and amendments	Page
1816—*contd*	V	The Madras Village panchávats Regulation, 1816	Rep in part, Mad Reg IX of 1828, Act XXVIII of 1855, Act VII of 1870, Act XII of 1876. S 16 am Mad Act IV of 1904, s 2	29
"	XI	The Madras Village police Regulation, 1816	Rep in part, Mad Reg IX of 1828, Act XVII of 1862 (as amended by Act XXXVI of 1867), Act XII of 1876. Amended, Madras Reg IV of 1821, s 6	36
"	XII	The Madras Village lands Disputes Regulation, 1816	Rep in part, Act XII of 1876, Madras Act II of 1869, [1] Mad Act IV of 1897	38
1817	VII	The Madras Endowments and Escheats Regulation 1817.	Rep in part Act XX of 1863. Rep in part, and amended Mad. Act VIII of 1914.	43
"	VIII	The Madras Revenue Recovery (Military Proprietors) Regulation, 1817	Rep in part Act X of 1861, Act XII of 1876, Amended, Act XIII of 1894, Act XI of 1901	47
1819	II	The Madras State Prisoners Regulation 1819	Rep in part Act XVI of 1874, Act XII of 1876	48
1821	IV	The Madras Village police Regulation, 1821	Rep in part, Act XVII of 1862, Act XII of 1876	51

[1] So far as it applies to cases of claims to lands or crops the validity of which claims may depend upon the determination of an uncertain or disputed boundary or landmark

Chronological Tables.

PART I.—UNREPEALED REGULATIONS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL—*contd.*

Year.	No.	Subject or short title.	Repeals and amendments.	Page.
1822	IV	The Madras Permanent Settlement (Interpretation) Regulation, 1822.	Amended, Act XI of 1901.	52
,,	VII	The Madras Native Public Officers Regulation, 1822.	Rep. in part, Act XI of 1864; Act XVI of 1874; Mad. Act II of 1869.	53
,,	IX	The Madras Revenue Malversation Regulation, 1822.	Rep. in part, Mad. Reg. III of 1823; Mad. Reg. VII of 1828, s. 5; Act XII of 1876; Act XI of 1901; Mad. Act II of 1869. Supplemented, Act XXXVI of 1837; Mad. Reg. III of 1832.	53
1823	III	The Madras Revenue Malversation (Amendment) Regulation, 1823.	Rep. in part, Mad. Reg. VII of 1828; Act XII of 1876; Mad. Act II of 1869. Amended, Act XI of 1901.	61
1828	VII	The Madras Subordinate Collectors and Revenue Malversation (Amendment) Regulation, 1828.	Rep. in part, Act XII of 1876; Mad. Act II of 1869. Supplemented, Act XXXVI of 1837.	62
1829	V	The Madras Hindu Wills Regulation, 1829	Rep. in part, Act XII of 1876; Mad. Act II of 1869. Rep. in part, and amended Act XI of 1901.	64
1830	I	The Madras Sati Regulation, 1830.	Rep. in part, Act XII of 1876.	65

Chronological Tables.

PART I.—UNREPEALED REGULATIONS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL—*concld.*

Year.	No.	Subject or short title	Repeals and amendments.	Page.
1831	V	The Madras Stamp Penalties Regulation, 1831	Rep in part, Mad Act II of 1869	68
"	*VI*	*The Madras Hereditary Offices Regulation, 1831*	*Rep, except as regards the Scheduled Districts, by Madras Act III of 1895*	*68*
"	X	The Madras Sale of Minors Estates Regulation, 1831	Rep in part, Act XII of 1876, Act VIII of 1890	69
1832	III	The Madras Revenue Malversation (Amendment) Regulation, 1832	.	70

PART II.—UNREPEALED LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN MADRAS.

Year.	No	Short title	Repeals and amendments affecting Madras	Page
1837	XXXVI	The Madras Public Property Malversation Act, 1837	Rep in part, Act XIV of 1870, Act XVI of 1874	71
1839	VII	The Madras Rent and Revenue Sales Act, 1839	Rep in part, Act XIV of 1870, Act XII of 1873, and amended, Act XII of 1891	72
"	XXIV	The Ganjam and Vizagapatam Act, 1839	Rep in part, Act XIV of 1870: Act XVI of 1874, Act XII of 1891; Mad Act I of 1865	73
1840	VIII	The Madras Pancháyats Act, 1840	. .	75

PART II.—UNREPEALED LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN MADRAS—*contd.*

Year.	No.	Short title.	Repeals and amendments affecting Madras.	Page.
1844	VI	The Madras Inland Customs Act, 1844.	Rep. in part, Act VI of 1863; Act VIII of 1868; Act XI of 1869; Act XXIV of 1869; Act XIII of 1871; Act XVI of 1874; Act XVIII of 1877; Act XII of 1891; Amended, Mad. Act II of 1893.	75
1849	X	The Madras Revenue Commissioner Act, 1849.	....	78
1851	XII	The Madras City Land-revenue Act, 1851.	Rep. in part, Mad. Act VI of 1867. Amended, Act XII of 1891.	79
1854	XXIV	The Malabar War-knives Act, 1854.	Rep. in part, Act XIV of 1870.	82
1857	VII	The Madras Uncovenanted Officers Act, 1857.	Rep. in part, Act XVII of 1862; Act X of 1873; Act XII of 1873; Mad. Act VII of 1914.	83
"	XXVII	The Madras University Act, 1857.	Rep. in part, Act XII of 1876; Act XII of 1891. Rep. in part and supplemented, Act VIII of 1904.	84
1858	I	The Madras Compulsory Labour Act, 1858.	Rep. in part, Act XVI of 1874.	89
"	XXXVII	Nawab of Carnatic	Rep. in part Act XVI of 1874. Rep. in part and amended, Act XII of 1891.	Private Act. Not printed.
1859	XX	The Moplah Outrages Act, 1859.	Rep. in part, Act XIV of 1870; Mad. Act VII of 1869.	91

PART II—UNREPEALED LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN MADRAS—*contd.*

Year	No	Short title	Repeals and amendments affecting Madras	Page
1859—*contd*	XXIV	The Madras District Police Act, 1859	Rep in part, Act XVII of 1862 Act XIV of 1870 Act XVI of 1874 Act XVII of 1914, Mad Act I of 1885 Mad Act V of 1896 Rep in part and amended Mad Act III of 1889, (except in Scheduled Districts), Mad Act III of 1895 Amended, Mad Act V of 1865, Mad Act III of 1909, ss 2, 3, Act IV of 1914. Supplemented Act III of 1888	94
1873	III	The Madras Civil Courts Act, 1873	Rep in part, Act XII of 1873, Act IX of 1887, Act XII of 1891 Rep in part (when and where rules under s 3 of Act VII of 1887 take effect) Act VII of 1887, s 6 Amended, Act XIX of 1877, Act XXI of 1885, Act IV of 1914.	101
1877	XIX	The Madras Civil Courts (Amendment) Act, 1877	Rep in part, Act XII of 1891 Amended, Act XXI of 1885, s 4 (*b*)	110

PART II.—UNREPEALED LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN MADRAS—*contd.*

Year.	No.	Short title.	Repeals and amendments affecting Madras.	Page.
1879	IX	The Burma Coast Lights Act, 1879.	Rep. in part, Act X of 1889. Amended, Act XIII of 1898, s. 16.	110
„	XVI	The Transport of Salt Act, 1879.	Rep. in part, Act XI of 1901. Amended, Act XII of 1891. Act IV of 1914.	115
1881	XVIII	The Central Provinces Land-revenue Act, 1881.	Rep. in part, and amended, Act XVI of 1889; Act XII of 1891; Act XII of 1898; Act IV of 1907. Amended, Act XIII of 1908; Reg. I of 1909, s. 3 (2), prov.	117
1882	V	The Indian Easements Act, 1882.	Amended, Act XII of 1891; Act X of 1914.	180
„	XXI	The Madras Forest (Validation) Act, 1882.	....	204
1883	I	The Central Provinces Local Self-Government Act, 1883, s. 41 (*1*).	Amended, Act XVI of 1889, s. 41.	205
1884	II	The Madras Partition-deeds (Validation) Act, 1884.	Rep. in part, Act XII of 1891.	205
1885	XXI	The Madras Civil Courts Act, 1885.	Rep. in part, Act XVII of 1914.	206
1889	V	The Coroners (Madras) Act, 1889.	Rep. in part, Act V of 1898. Rep. in part and amended, Act XII of 1891. Amended, Act I of 1903.	207
„	XVI	The Central Provinces Land-revenue Act, 1889.	Rep. in part, Act XII of 1891; Act XII of 1898, s. 13. S. 12 virt. rep., Act XIII of 1908, s. 4. Ss. 33, 39 virt. amended, Act XII of 1898, ss. 10,12.	209

PART II—UNREPEALED LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL IN FORCE IN MADRAS—*concld*

Year	No	Short title	Repeals and amendments affecting Madras	Page
1892	VII	The Madras City Civil Court Act 1892	Rep in part, Act XVII of 1914 Amended Act IV of 1914	213
1898	XI	The Central Provinces Tenancy Act, 1898	Amended Act XXI of 1899, Reg I of 1909, s 3 (2) prov	216
„	XII	The Central Provinces Land revenue Act 1898		253
1899	XXI	The Central Provinces Tenancy (Amendment) Act 1899		254
1901	VI	The Assam Labour and Emigration Act 1901	Ss 91, 218 amended, Act XI of 1908	255
1907	IV	The Repealing and Amending Rates and Cesses Act 1907		325
1908	XI	The Assam Labour and Emigration (Amendment) Act 1908		327
„	XIII	The Central Provinces Financial Commissioner's Act, 1908	Amended Act IV of 1914	327

PART III—UNREPEALED REGULALATIONS MADE UNDER THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT, CAP 3) IN FORCE IN MADRAS

Year	No	Short title	Repeals and amendments	Page
1909	I	The Nugur, Albaka and Cherla Laws and Cesses Regulation 1909		329
1912	I	The Laccadive Islands and Minicoy Regulation 1912	—	331

Chronological Tables.

PART IV.—UNREPEALED ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL—*contd.*

Year.	No.	Short title.	Repeals and amendments.	Page.
1879—*contd.*	*III*	*The Madras Hackney Carriage Act, 1879.*	*Virt. repealed as it is no longer in force in any part of Madras.*	
„	*V*	*The Madras Abkari Laws Amendment Act, 1879.*	*Rep. locally, Mad. Act I of 1886.*	391
1881	I	The Madras Ports Police Act, 1881.	Rep. in part, Act XI of 1901.	391
1882	V	The Madras Forest Act, 1882.	Confirmed, Act XXI of 1882. Amended, Mad. Act VIII of 1914.	397
1883	*IV*	*Jurisdiction of Village Munsifs.*	*Rep. except as to Scheduled Districts, Mad. Act I of 1889.*	417
1884	III	The Madras Revenue Recovery (Amendment) Act, 1884.	....	418
„	IV	The Madras District Municipalities Act, 1884.	Rep. in part, Act IX of 1888: Act II of 1901. Rep. in part and amended, Mad. Act III of 1897. Amended, Mad. Act I of 1899: Mad. Act V of 1909: Mad. Act III of 1913: Mad. Act VIII of 1914. Supplemented and repealed in part and amended, in Hill Municipalities, Mad. Act II of 1907.	488
„	V	The Madras Local Boards Act, 1884.	Rep. in part, Act II of 1901. Rep. in part and amended—Mad. Act VI of 1900: Act XI of 1901:	555

PART IV.—UNREPEALED ACTS OF THE GOVERNOR OF FORT ST GEORGE IN COUNCIL—*contd*

Year	No	Short title	Repeals and amendments	Page
1884—*contd*			*Amended, Mad Act III of 1890* Mad Act III of 1913 Mad. Act VIII of 1914	
„	VI	The Madras Rivers Conservancy Act, 1884	Amended, Mad Act II of 1885	626
1885	II	The Madras Rivers Conservancy (Amendment) Act, 1885		632
„	III	The Madras Out ports Landing and Shipping Fees Act, 1885	Rep in part, Mad. Act VIII of 1914	632
1886	I	The Madras Abkari Act, 1886	Amended, Mad Act I of 1905 Mad. Act I of 1913	635
„	IV	The Railway Protection Act, 1886		660
1888	I	The Local Authorities Loan Act, 1888	Rep in part, Act XI of 1901	664
„	II	The Places of Public Resort Act, 1888	Rep in part, Act XI of 1901	666
„	III	*The Madras City Police Act, 1888*	*Rep in part, Act XI of* 1901 Mad Act IV of 1905 Amended, Mad Act III of 1898	672
1889	I	The Madras Village Courts Act, 1888	Rep in part, Act XI of 1901 Amended, Mad Act IV of 1904, s 3	687
„	III	The Towns Nuisances Act, 1889	Rep in part, Act XI of 1901 Amended, Mad Act III of 1909, s 4	700
„	IV	The Madras Salt Act, 1889	Rep in part, Act XI of 1901 Rep in part and amended, Mad Act VIII of 1914	707

PART IV.—UNREPEALED ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL—*contd.*

Year.	No.	Short title.	Repeals and amendments.	Page.
1890	II	The Canals and Public Ferries Act, 1890.	Rep. in part, Act XI of 1901. Amended, Mad. Act II of 1895; Mad. Act V of 1914; Mad. Act VIII of 1914.	725
"	III	The Madras Local Boards and Rent Recovery (Amendment) Act, 1890.	Rep. in part, Mad. Act I of 1908.	729
1891	I	The Madras General Clauses Act, 1891.	Amended, Mad. Act II of 1896.	731
1893	II	The Madras Inland Customs (Amendment) Act, 1893.	....	738
"	III	The Madras Steam-boilers and Prime-movers Act, 1893.	Amended, Mad. Act I of 1904; Mad. Act, VII of 1909.	738
"	V	The Madras Revenue Enquiries Act, 1893.	....	746
1894	I	The Madras Board of Revenue Act, 1894.	Rep. in part, Act XI of 1901.	747
"	II	The Madras Proprietary Estates Village-service Act, 1894.	Rep. in part, Mad. Act IV of 1911, s. 2. Rep. in part, and amended, Mad. Act III of 1914. Amended (except in Scheduled Districts), Mad. Act III of 1895. Amended, Mad. Act IV of 1900.	748
1895	II	The Madras Canals and Public Ferries (Amendment) Act, 1895.	....	758
"	III	The Madras Hereditary Village-offices Act, 1895.	Rep. in part, Act XI of 1901. Rep. in part, and amended, Act IV of 1907. Amended, Mad. Act II of 1897.	758

PART IV.—UNREPEALED ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL—*contd*

Year	No	Short title	Repeals and amendments	Page
1896	I	The Madras Rent Recovery (Amendment) Act, 1896		768
"	II	The Madras General Clauses (Amendment) Act, 1896	...	769
"	III	The Malabar Land Registration Act, 1896		769
"	IV	The Malabar Marriage Act, 1896	Amended, Mad Act I of 1898	773
1897	I	The Madras Revenue Recovery (Amendment) Act, 1897		781
"	II	The Madras Hereditary Village offices (Amendment) Act 1897		781
"	III	The Madras District Municipalities Act Amendment Act, 1897		782
"	IV	The Madras Survey and Boundaries Act, 1897	Rep in part, Mad Act IV of 1911, s 2 Rep in part and amended, Mad Act IV of 1900 Amended, Mad. Act VIII of 1914.	803
1898	I	The Malabar Marriage (Amendment) Act, 1898		813
"	III	The Madras City Police (Amendment) Act, 1898		813
"	V	The Malabar Wills Act, 1898	.	814
1899	I	The Madras District Municipalities (Amendment) Act, 1899		817
"	III	The Madras Registration of Births and Deaths Act, 1899	.	817
"	*IV*	*The Madras Court of Wards (Amendment) Act, 1899*	*Rep (except in Scheduled Districts), Mad Act I of 1902*	*821*

PART IV.—UNREPEALED ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL—*contd.*

Year.	No.	Short title.	Repeals and amendments.	Page.
1900	I	The Malabar Compensation for Tenants Improvements Act, 1899.	Rep. in part, Act XI of 1901.	822
,,	II	The Madras Coffee-stealing Prevention Act Amendment Act, 1900.	....	827
,,	V	The Madras Proprietary Estates and Survey (Amendment) Act, 1900.	S. 1 virt. rep. and s. 2 virt. amended, Mad. Act IV of 1911, s. 2.	828
,,	V	The Madras Irrigation-cess (Amendment) Act, 1900.	....	828
,,	VI	The Madras Local Boards Act Amendment Act, 1900.	S. 73 virt. rep. part and s. 5 virt. amended, Act XI of 1901, Schedules III and II.	829
1902	I	The Madras Court of Wards Act, 1902.	Amended, Mad. Act I of 1911.	849
1903	I	The Madras Planters Labour Act, 1903.	....	868
1904	I	The Madras Steam-boilers and Prime-movers (Amendment) Act, 1904.	....	878
,,	II	The Madras Impartible Estates Act, 1904.	Sch. amended, Mad. Act VI of 1909	878
,,	III	The Madras City Municipal Act, 1904.	Amended, Mad. Act IV of 1907; Mad. Act II of 1911.	912
,,	IV	The Madras Village Panchayats Regulation and the Madras Village Courts Act Amendment Act, 1904.	....	1050
1905	I	The Madras Abkari (Amendment) Act, 1905.	....	1051
,,	II	The Madras Port Trust Act, 1905.	....	1057
,,	III	The Madras Land Encroachment Act, 1905.	Rep. in part and amended, Mad. Act VIII of 1914.	1083

PART IV.—UNREPEALED ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL—*contd.*

Year	No	Short title	Repeals and amendments.	Page
1905—*contd*	IV	The Madras City Police Act Amendment Act, 1905	....	1088
1907	II	The Madras Hill Municipalities Act, 1907.	....	1089
"	III	The Madras City Police (Amendment) Act, 1907.	....	1106
"	IV	The Madras City Municipal Act, Amendment Act, 1907.	....	1107
1908	I	The Madras Estates Land Act, 1908.	Rep in part and amended—Mad. Act IV of 1909	1117
1909	I	The Madras Revenue Recovery Amendment Act, 1909.	....	1183
"	*II*	[1] *An Act to repeal the Madras Labour and Emigration Act, 1866 (Mad. Act V of 1866).*	....	*1183*
"	III	The Madras District Police and Towns Nuisances Acts Amendment Act, 1909	....	1184
"	IV	The Madras Estates Land Act Amendment Act, 1909.	....	1184
"	V	The Madras District Municipalities Act Amendment Act, 1909.	....	1186
"	VI	The Arni Jagir Act, 1909	....	1187
"	VII	The Madras Steam boilers and Prime movers (Amendment) Act, 1909	....	1187
1911	I	The Madras Courts of Ward Act, 1902, Amendment Act, 1910.	....	1188
"	II	The Madras City Municipal (Amendment) Act, 1911.	....	1189

[1] Mad. Act II of 1909 is spent.

PART IV.

ACTS OF THE GOVERNOR OF FORT ST GEORGE IN COUNCIL—*continued*

MADRAS ACT No II OF 1885[1]

[THE MADRAS RIVERS CONSERVANCY (AMENDMENT) ACT, 1885]

[14th February, 1885, 13th April, 1885]

An Act to amend the Madras Rivers Conservancy Act, 1884.

WHEREAS it is expedient to amend the Madras Rivers Conservancy Act, 1884, It is hereby enacted as follows — P eamble

1. For section 11 the following shall be substituted (namely) — Amendment of section 11 of Act VI of 1884

"11 [*Vide supra*, p 628]

2. In section 12, after the words "such land" the words "should it appear that such cultivation will tend to obstruct or divert the course of the river" shall be inserted Amendment of section 12

3. For section 16 the following shall be substituted (namely) — Amend nent of section 16 of the said Act

"16 [*Vide supra*, p 629]

MADRAS ACT No III OF 1885[2]

[THE MADRAS OUTPORTS LANDING AND SHIPPING FEES ACT, 1885]

[10th April, 1885, 15th May, 1885]

An Act to make provision for the levying of landing and shipping fees within the outports of the Presidency of Fort St George

WHEREAS it is expedient to make rules and regulations for the levying of landing and shipping fees within the outports of the Presidency of Fort St George, It is enacted as follows — Preamble

PART I

PRELIMINARY

1. This Act may be called the Madras Outports Landing and Shipping Fees Act, 1885 It shall come into force in any port within the Presidency of Fort St George from such date as the Governor in Council may, by notification in the Fort St George Gazette, direct[3] Short title.

---

[1] Short title, 'The Madras Rivers Conservancy (Amendment) Act, 1885" was given by [illegible] d 4th [illegible] r, 188[illegible]

[2] For Statement of Objects and Reasons, *see* Fort St George Gazette Supplement dated 3rd February, 1885, p 2, for Report of the Select Committee *see ibid*, dated 24th March, 1885, p 1, for Proceedings in Council *see ibid*, dated 17th February, 1885, p 5; and *ibid*, Supplement dated 8th April 1885, p 8

[3] For list of such ports, *see* Madras List of Local Rules and Orders, Vol II The operation of this Act has been withdrawn from the port of Gopalpur—*see* Fort St George Gazette, 1899, Pt I, p 1040

l of Act III .883. **2.** Act No. III of 1883 (the Cocanada Port-dues Act, 1883) shall be repealed on and from the date on which this Act is brought into force in the port of Cocanada, save so far as relates to offences committed, acts done and penalties incurred before this Act came into force.

erpreta- n-clause. **3.** In this Act, unless there shall be something repugnant in the subject or context,—

" (*1*) "port" means the space within such limits as may from time to time be defined by the Government for the purposes of this Act by notification in the Fort St. George Gazette, and until a notification is so issued within such limits as may have been defined by the Government under the provisions of Act XII of 1875[1] (Indian Ports Act):

'essel." (*2*) "vessel" denotes anything made for the conveyance by water of human beings or property:

'wner." (*3*) "owner," when used in relation to goods, includes any consignor, consignee, shipper or agent for the sale, custody, landing or shipping of such goods:

" (*4*) the word "goods" includes wares and merchandise of every description.

PART II.

Of the Payment of Landing and Shipping Fees.

vy of iding and ipping fees. **4.** Landing and shipping fees, according to the rates which may be fixed from time to time, shall be levied[2] upon all goods, carts, carriages, animals, baggage and other articles landed from or shipped into any vessel lying or being within the limits of any port within the Presidency of Fort St. George to which this Act may be applied. Such fees shall be payable in addition to all tolls and charges now lawfully levied within such port:

[3]* * * * * *

ces of fees be noti- **5.** Such rate shall be notified in the Fort St. George Gazette at least one month before the date from which the same shall become payable, and shall be legibly painted in the English, Tamil, Telegu and Hindustani languages on boards exhibited at the places appointed under section 6.[4]

ules. **6.** The Government may from time to time make rules[5]—

(*a*) appointing places where goods intended for shipment or landed from ships within the port are to be placed for the purpose of assessing the fees payable under this Act;

---

[1] *See* now the Indian Ports Act, 1908 (XV of 1908). General Acts, Vol. VI.

[2] For list of ports in which such landing and shipping fees are levied, *see* Madras List of Local Rules and Orders, Vol. II.

[3] The proviso was repealed by the Madras Decentralization Act, 1914 (Mad. Act VIII of 1914), *infra*.

It ran as follows:—

"Provided that no rates shall be fixed under the provisions of this Act without the previous sanction of the Governor General in Council."

[4] For notifications under this section, *see* Madras List of Local Rules and Orders, Vol. II.

[5] For rules *see* Madras List of Local Rules and Orders, Vol. II.

(b) regulating the manner in which such fees shall be assessed and the time when they shall be paid

Such rules and any alteration or cancellation thereof shall be published in the Fort St George Gazette, and shall thereupon have the force of law

Appointment of officer to levy and receive landing and shipping fees

7. The Governor in Council shall appoint an officer[1] of Government to levy and receive all fees payable under this Act, and to pay the same into such treasury, and keep such accounts as the Government may from time to time prescribe The officer so appointed may, with the sanction of the Government, appoint such persons as he shall think fit to assist him in carrying out the provisions of this Act, all of whom shall wear a distinguishing badge of a kind to be prescribed by such officer

Detention of goods until payment of fees

8. It shall be lawful for the officer of Government appointed under this Act or any of his assistants to detain any such goods until the lawful fees are paid, it shall be the duty of such officer to give notice in writing to the owner or consignee if known, stating the amount of fees and charges payable in respect of such goods, and, in the event of such payment being refused or delayed for the space of fourteen days from the date of such notice, if the owner or consignee of such goods shall be in the port concerned, or otherwise, for the space of one calendar month from the date on which such fees are payable, it shall be lawful for such officer of Government to sell or cause to be sold by public auction the said goods, and after paying the expenses of such detention and sale and double the amount of the fees by way of a fine, to pay the surplus, if any, of the proceeds of the sale to the owner or consignee or other person entitled thereto, if claimed within six months from the date of sale

Proviso

Provided that, if the goods are of a perishable nature, the said officer of Government may sell the same or cause them to be sold at such earlier period being not less than twenty four hours after the landing of the goods as he shall think fit

---

PART III

Penalties

Removal of goods

9. Whoever removes, or attempts to remove, or abets within the mean-
860 ing of the Indian Penal Code[2] the removal of any goods, with the intention of evading payment of any fees payable under this Act, and whoever wilfully infringes or acts in contravention of any rule made under section 6, shall on conviction before a Magistrate be punishable with fine which may extend to one hundred rupees, or in default of payment to simple or rigorous imprisonment as defined in the Indian Penal Code[2] for a term which may extend to two months

---

[1] For notification under s 7 *see* Mad List of Local Rules and Orders Vol II
[2] Printed, General Acts Vol I.

ACT No. I of 1886.[1]

[The Madras Abkári Act, 1886.]

[*11th January, 1886*; *2nd February, 1886.*]

An Act to consolidate and amend the Abkári Law of the Presidency of Madras.

Whereas it is expedient to consolidate and amend the law relating to the import, export, transport, manufacture, sale and possession of intoxicating liquor and of intoxicating drugs in the Presidency of Madras; It is enacted as follows:—

CHAPTER I.

Preliminary and Definitions.

Short title.

1. This Act may be cited as the Madras Abkári Act, 1886.

Extent.

It extends to the whole of the Presidency of Madras;

Commencement.

and it shall come into force [2] in any local area within the said Presidency to such extent and from such date as the Governor in Council, by notification shall direct.

Repeal of enactments.

2. From the date on which this Act comes into force in any local area the enactments mentioned in the Schedule hereto annexed shall be repealed to the extent specified in the third column of the said Schedule:

Provided that all licenses granted under any of the said enactments in force on the date on which this Act comes into force in any local area shall continue in force for the periods for which the same have been respectively granted, subject to the provisions of the enactments under which such licenses were granted:

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 14th October, 1884, p. 13; for last report of the Select Committee, *see ibid*, Supplement, dated 9th December, 1885, p. 1; for Proceedings in Council, *see ibid*, dated 4th November, 1884, p. 3; *ibid*, dated 21st August, 1885, p. 11; *ibid*, dated 23rd October, 1885; p. 15, *ibid*, dated 18th November, 1885, p. 23; *ibid*, dated 6th January, 1886, p. 1.

[2] Portions of this Act have been extended to certain villages in the Agency Tracts of the Ganjam, Vizagapatam and Godavari Districts—*see* Madras List of Local Rules and Orders, Vol. II. All the provisions relating to liquor are to come into force from the date on which s. 69 of the Act as to publication has been complied with in certain parts of Gumapur Agency of the Vizagapatam district, *see* Fort St. George Gazette, 1910, Pt. I, p. 92.

Mad. Acts III of 1864 and V of 1879 are still in force in other portions of the Agency Tracts and in the Bhadrachalam and Rakapilli Taluks of the Godavari District—*see* Fort St. George Gazette, 1899, Pt. I, p. 1140, and *ibid*, 1880, Pt. I, p. 327, respectively.

Act I of 1886 came into force as regards liquor only (*and not as regards intoxicating drugs*) in the whole of the Madras Presidency, except the Scheduled Districts, from 17th February, 1886—*see* Fort St. George Gazette, 1886, Pt. I, p. 115.

It has been brought into force from 1st April, 1910, throughout the Presidency except the Agency tracts of Ganjam, Vizagapatam and Godavari districts in respect of the intoxicating drugs known as cocaine, beta cocaine, lactate cocaine, holocaine, *see* Fort St. George Gazette, 1910, Pt. I, p. 176.

Provided further that the said repeal shall not affect any act done, or any offence committed or any proceedings commenced, or any claim which has arisen, or any penalty which has been incurred before this Act comes into force

3. In this Act, unless there be something repugnant in the subject or context,— Interpretation

(*1*) "abkári revenue" means revenue derived or derivable from any duty, fee, tax, fine or confiscation imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to liquor or intoxicating drugs 'Abkari revenue'

(*2*) "Abkari officer" means the Commissioner, a Collector or any officer or other person lawfully appointed or invested with powers under section 4 or 5, and includes the Board of Revenue when exercising any of its functions or powers in respect of abkari revenue Abkári officer

(*3*) "Commissioner" means the officer appointed by Government under section 4, clause (*a*) Commissioner

(*4*) "Collector" means a Collector of land revenue, or any person appointed under section 4, clause (*b*), to exercise all the powers or to perform all the duties of a Collector under this Act Collector

(*5*) "Abkári inspector" means an officer appointed under section 4, clause (*d*) Abkari inspector'

(*6*) "imprisonment" means imprisonment of either description as defined in the Indian Penal Code [1] Imprisonment

(*7*) "toddy" means fermented or unfermented juice drawn from a cocoanut, palmyra, date or any other kind of palm tree Toddy"

(*8*) "spirits" means any liquor containing alcohol and obtained by distillation [2] [whether it is denatured or not] Spirits"

[Explanation–De-natured means effectually and permanently rendered unfit for human consumption,]

(*9*) "liquor" includes spirits of wine, methylated spirits, spirits, wine, toddy, beer, and all liquid consisting of or containing alcohol Liquor"

(*10*) "beer" includes ale, stout, porter, and all other fermented liquors usually made from malt Beer'

(*11*) "country liquor" means liquor manufactured in British India on which duty of excise has not been levied or is not leviable under this Act at the full rates of duty chargeable on liquor imported into British India from foreign countries by sea "Country liquor"

(*12*) "foreign liquor" includes all liquor other than country liquor "Foreign liquor'

Provided that in any case in which doubt may arise the Governor in Council may declare, by notification, what for the purposes of this Act shall be deemed to be "country liquor" and what "foreign liquor"

[1] Printed General Acts Vol I

[2] These words in square brackets and the Explanation were added by s 3 (i) and (ii) of Mad. Act I of 1913

"Intoxicating drug." (*13*) "intoxicating drug" includes ganja, bhang and every preparation and admixture of the same, and every intoxicating drink or substance prepared from any part of the hemp plant (*Cannabis Sativa* or *Indica*), [1][or the coca plant (*Erythroxylon coca*)] from grain or from other material and not included in the term "liquor," but does not include opium or anything included within the meaning of that word as defined in the Indian Opium Act, 1878[2]:

"Sale" or "selling." (*14*) "sale" or "selling" includes any transfer otherwise than by way of gift:

"Import." (*15*) "import" means to bring into the Madras Presidency from sea, or from foreign territory or from any other part of British India:

"Export." (*16*) "export" means to take out of the Madras Presidency to sea, or to foreign territory or to any other part of British India:

"Transport." (*17*) "transport" means to move from one place to another within the Madras Presidency:

"Cultivation." [3][(*17a.*) "cultivation' includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed:"]

"Manufacture." (*18*) "manufacture" includes every process, whether natural or artificial, by which any fermented, spirituous or intoxicating liquor or intoxicating drug is produced [4][prepared or blended], and also re-distillation and every process for the rectification of liquor:

"Bottle." [5][(*18a*) "'bottle' means to transfer liquor from a cask or other vessel to a bottle, jar, flask or similar receptacle for the purpose of sale whether any process of manufacture be employed or not and includes re-bottling:"]

"Rectification." (*19*) "rectification" includes every process whereby spirits are purified or are coloured or flavored by mixing any material therewith:

"Place." (*20*) "place" includes also a house, building, shop, tent and vessel:

"Police station." [6][(*21*) "'police station' includes any place which the Governor in Council may by notification declare to be a police station for the purposes of this Act."]

CHAPTER II.

ESTABLISHMENT AND CONTROL.

The Governor in Council may appoint an officer to control the

4. [7]Notwithstanding anything contained in Regulations I and II of 1803, the Governor in Council may, from time to time, by notification applicable to any district or local area in which this Act is in force,—

(*a*) appoint an officer, who shall exercise all the powers of a Collector in

---

[1] These words in square brackets were inserted by s. 3 (iii) of Mad. Act, I of 1913.
[2] Printed, General Acts, Vol. III.
[3] Clause (17-*a*) was inserted by s. 3 (iv) of Mad. Act I of 1913.
[4] These words were substituted for the words " or prepared " by s. 3 (v) *ibid.*
[5] Clause (18-*a*) was inserted by s. 3 (vi) *ibid.*
[6] Clause (21) was inserted by *s.* 3 (vii), *ibid.*
[7] For notifications under s. 4, *see* Fort St. George Gazette 1908, Pt. I, p. 171, and *ibid*, 1910, Pt. I, p. 177.

respect of the abkári revenue, and who shall, either as a member of the Board of Revenue or subject to the orders of the Board of Revenue or independently of the Board of Revenue, as the Governor in Council may direct, have the control of the administration of the Abkári Department or of the collection of the abkári revenue, or of both, and may direct that the control exercised by the Board of Revenue over Collectors in respect of the abkari-revenue shall be exercised by such officer, administration of the Abkári Department

(*b*) appoint any person other than the Collector of land revenue to exercise all or any of the powers and to perform all or any of the duties of a Collector in respect of the abkári revenue either concurrently with or in exclusion of the Collector of land revenue, subject to such control as the Governor in Council may from time to time direct, may appoint special Collectors of abkári revenue

(*c*) [1] withdraw from the Board of Revenue or the Collector of land revenue any or all of their or his powers in respect of the abkári revenue, may withdraw abkári powers from Board of Revenue or Collectors of Land revenue,

(*d*) appoint officers to perform the acts and duties mentioned in sections 40 to 53, inclusive, of this Act, may appoint officers to take action under sections 40 to 53 and subordinate officers,

(*e*) appoint subordinate officers of such classes and with such designations, powers and duties under this Act as the Governor in Council may think fit,

(*f*) order that all or any of the powers and duties assigned to any officers under clauses (*d*) and (*e*) of this section shall be exercised and performed by any Government officer or any person, may appoint any Government officer or other person to act as above;

(*g*) [2] delegate to any Abkári officer all or any of his powers under this Act and may delegate any of his powers to an Abkári officer

5. [3] The Governor in Council may from time to time make rules— Rules for the guidance of Abkári officers

(*1*) prescribing the powers and duties under this Act to be exercised and performed by Abkari officers of the several classes, and

(2) regulating the delegation by the Board of Revenue, by the Commissioner or by Collectors of any powers conferred by this Act or exercised in respect of abkári revenue under any Act for the time being in force

---

[1] For notifications under s. 4, (*c*) *see* Fort St George Gazette, 1908 Pt I, pp 202, 229

[2] For notifications under s 4(*g*) *see* Fort St George Gazette, 1908, Pt I, pp 202, 229

[3] For rules under this section, *see* Madras List of Local Rules and Orders, Vol II.

wer of ;al Government to ,horize cers to nit persons ested to l.

[1][5-A. The Governor in Council may, by notification, and subject to such conditions as may be prescribed in such notification, empower all or any of the officers or classes of officers or persons mentioned in section 34, either by name or in virtue of their office, throughout the Presidency or in any local area, to admit a person arrested under that section to bail to appear, when summoned or otherwise directed, before an Abkári officer having jurisdiction to inquire into the offence for which such person has been arrested, and may cancel or vary such notification.]

CHAPTER III.

Import, Export and Transport.

ıport of uor or ,oxicating ug.

6. [2] No liquor or intoxicating drug shall be imported unless, being liable to the payment of duty under the Indian Tariff Act, 1882[3], or any other law for the time being in force relating to the duties of customs on goods imported into British India, it has been dealt with according to such law : XI of 1

Provided that, subject to the orders of the Governor in Council, the Collector may, from time to time, permit the import of liquor or intoxicating drugs, or of any kind of liquor or intoxicating drugs, other than liquor or intoxicating drugs liable to the payment of duty under such law as aforesaid, on payment of the duty, if any, to which the same is liable under this Act and on such other terms as he thinks fit, and may cancel such permission.

xport of ɈUOr or toxicating ·ug.

7. [2] No liquor or intoxicating drug shall be exported unless it has been lawfully imported by sea into any port in the said Presidency and its export is permitted by competent authority on payment of the fee or duty, if any, to which it is liable under any law for the time being in force on its transhipment or re-exportation :

Provided that, subject to the orders of the Governor in Council, the Collector may, from time to time, permit the export of liquor or intoxicating drugs, or of any kind of liquor or intoxicating drugs, on payment of the duty, if any, to which the same is liable under this Act and on such other terms as he thinks fit, and may cancel such permission.

ections 6 nd 7 not) affect ɜrtain laws nd powers f Governor ieneral in ɔouncil.

8. Nothing in the last two preceding sections shall be deemed to affect any law for the time being in force which empowers the Governor General in Council to prohibit or restrict the importation of liquor or of intoxicating drugs, or which empowers the Governor General in Council to exempt any liquor or intoxicating drug from the whole or any part of the duties of customs to which it is liable under any law for the time being in force.

---

[1] S. 5-A was inserted by Mad. Act I of 1905, s. 2, *infra.*

[2] For notifications under sections 6 and 7, authorizing the Collectors of certain districts to permit the import and export of toddy from and to Mysore, *see* Madras List of Local Rules and Orders, Vol. II.

[3] *See now* the Indian Tariff Act, 1894 (VIII of 1894) : Printed, General Acts, Vol. IV.

9. [1] The Governor in Council may, from time to time, by notification, prohibit the transport of liquor or of intoxicating drugs, or of any kind of liquor or intoxicating drugs, from any local area into any other local area. Prohibition of the transport of liquor.

10. [2] No liquor or intoxicating drug exceeding such quantity as the Governor in Council may from time to time prescribe by notification, either generally for the whole Presidency or for any local area, shall be transported except under a permit issued under the provisions of the next following section. Transport of liquor or intoxicating drug.

Provided that, in the case of foreign liquor transported for *boná fide* private consumption or for sale at any place at which the sale of such liquor is duly licensed or permitted under the provisions of this Act, such permits shall be dispensed with unless the Governor in Council shall by notification otherwise direct with respect to any local area.

11. [2] Permits for the transport of liquor or intoxicating drugs may be issued by the Collector or by any person duly empowered in that behalf. Permits for transport.

Such permits shall be either general for definite periods and kinds of liquor or intoxicating drugs, or special for specified occasions and particular consignments only.

Every permit shall specify—

(*a*) the name of the person authorized to transport liquor or intoxicating drugs ;

(*b*) the period for which the permit is to be in force ;

(*c*) the quantity and description of liquor or intoxicating drugs for which it is granted ;

(*d*) any other particulars which the Governor in Council may prescribe.

General permits shall be granted only to persons licensed under this Act, and shall cover any quantity of liquor transported at any one time within the quantity specified in the permit.

Permits shall extend to and include servants and other persons employed by the grantees and acting on their behalf.

CHAPTER IV.

MANUFACTURE, POSSESSION AND SALE.

12. [2] No liquor or intoxicating drug shall be manufactured, Manufacture of liquor or intoxicating drug prohibited except under the provisions of this Act.

no hemp plant (*Cannabis Sativa* or *Indica*) [3] [or coca plant (*Erythroxylon coca*)] shall be cultivated,

[1] For notification under s. 9 *see* Madras List of Local Rules and Orders, Vol. II.

[2] For rules under s. 10 and ss. 11 to 18 and 24 to 29, for the cultivation of the hemp plant and the manufacture, storage, sale, possession and transport of intoxicating drugs *see* Madras List of Local Rules and Orders, Vol. II.

[3] These words in square brackets were inserted by s. 4 (1) of Mad. Act I of 1913.

[1][no portion of the hemp or coca plant from which any intoxicating drug can be manufactured shall be collected,]

no toddy-producing tree shall be tapped,

no toddy shall be drawn from any tree,

no distillery or brewery shall be constructed or worked[2] [*],

[2][no liquor shall be bottled for sale; and]

no person shall use, keep or have in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing any liquor other than toddy or any intoxicating drug,

except under the authority and subject to the terms and conditions of a license granted by the Collector in that behalf, or under the provisions of section 21 :

Provided that the Governor in Council may, by notification, direct that in any local area it shall not be necessary to take out a license for the manufacture of liquor for *bonâ fide* home consumption.

[3] [Licenses granted under this section shall extend to and cover servants and other persons employed by the licensees and acting on their behalf.]

ossession of uor or toxicating ugs, in cess of the iantity escribed by overnment, ohibited.

13 [4] No person not being a licensed manufacturer or vendor [5] of liquor or intoxicating drugs shall have in his possession any quantity of liquor or intoxicating drugs in excess of such quantities as the Governor in Council may from time to time prescribe by notification, either generally [6][or specially with regard to persons, places or time], in respect of any specified description or kind of liquor or intoxicating drug, unless under a license granted by the Collector in that behalf :

Provided that—

o fee to be arged for cense for ossession r private nsumption.

(*1*) no fee shall be charged for any such license granted for the possession of such liquor or intoxicating drugs for *bonâ fide* private consumption or use ;

roviso as egards reign quor.

(*2*) nothing in this section extends to any foreign liquor [7][other than denatured spirit] in the possession of any warehouseman as such, or [7][of] any person for his *bonâ fide* private consumption and not for sale.

---

[1] This para. was added by s. 4 (ii) of Mad. Act I of 1913.

[2] The word "and" was omitted and the words in square brackets inserted by s. 4 (iii) of *ibid*.

[3] This para was added at the end of s. 12, by s. 4 (iv) of *ibid*.

[4] *see* footnote to s. 10 *ante*.

[5] For rules made under sections 13 and 15 in conjunction with s. 2 of the Excise (Spirits) Act, 1863 (XVI of 1863), *see* Fort St. George Gazette, 1908, Pt. I, p. 387. For rules as to denatured spirits, *see ibid*, 1912, Pt. I, p. 488.

[6] These words in square brackets were substituted for the words "for the whole presidency or for any local area" by s. 5 (i) of *ibid*.

[7] The words in square brackets were inserted and the word "of" substituted for the words "purchased by" by s. 5 (ii) of *ibid*.

[1]**13-A.** The Governor in Council may by notification prohibit the possession by any person or class of persons either throughout the whole Presidency or in any local area of any liquor or intoxicating drug either absolutely or subject to such conditions as he may prescribe

Power to prohibit possession of liquor or drug.

14. [2] The Commissioner may, with the previous sanction of the Governor in Council,—

Establishment of public distilleries and of warehouses

(*a*) establish a public distillery in which liquor or any kind of liquor may be manufactured under a license granted under section 12 on such conditions as the Governor in Council deems fit to impose,

(*b*) discontinue any public distillery so established;

(*c*) license at or in connection with any licensed distillery or elsewhere a private warehouse wherein liquor and intoxicating drugs may be deposited and kept without payment of duty,

(*d*) establish a public warehouse wherein liquor and intoxicating drugs may be deposited and kept without payment of duty, and

(*e*) discontinue any public warehouse so established

Public warehouses shall be for the general accommodation of persons desiring to warehouse liquor or intoxicating drugs subject to duty pending removal for local consumption or for export

15. [2] No liquor or intoxicating drug shall be sold without a license [3] from the Collector

Sale of liquor or intoxicating drug without license prohibited Power to exempt toddy

Provided that a person having the right to the toddy drawn from any tree may sell the same without a license to a person licensed to manufacture or sell toddy under this Act, and a cultivator or owner of any plant from which an intoxicating drug is produced may sell without a license those portions of the plant from which the intoxicating drug is manufactured or produced to any person licensed under this Act to sell, manufacture or export intoxicating drugs [4][or to any officer whom the Commissioner may generally or specially authorize]

[4][Provided that a license for sale in more than one district may be granted by the Commissioner

Provided also that on such conditions as may be determined by the Commissioner a license for sale granted under the excise law in force in another province may be deemed to be a license granted under this Act]

Provided further that the Governor in Council may [5][by notification] declare that any or all of the provisions of this Act shall not apply in any

---

[1] Section 13 A was inserted by s 6 of Mad Act I of 1913

[2] *See* footnote to s 10, *supra*

[3] *See* second footnote to s 13 *supra*

[4] These words in square brackets were inserted and these two provisos substituted for the first proviso by s 7 (i) and (ii) of *ibid*

[5] The words "by notification" were substituted for the words "in like manner" and the words "under such conditions as the Commissioner may prescribe" for the words "in pots or other receptacles freshly coated internally with lime, for the purpose of the manufacture of jaggery" by s 7 (iii) of *ibid* and the para in square brackets added to the section by s 7 (iv) of *ibid*

local area to trees tapped, or to toddy drawn [1][under such conditions as the Commissioner may prescribe].

[1][" Nothing in this section applies to the sale of any foreign liquor legally procured by any person for his private use and sold by him or by auction on his behalf or on behalf of his representatives in interest upon his quitting a station or after his decease."]

usive leges of ıfacture, may be ted.

16. [2] It shall be lawful for the Governor in Council to grant to any person or persons, on such conditions and for such period as may seem fit, the exclusive or other privilege—

(*1*) of manufacturing or supplying by wholesale or

(*2*) of selling by retail, or

(*3*) of manufacturing or supplying by wholesale and selling by retail, any country liquor or intoxicating drugs within any local area.

No grantee of any privilege under this section shall exercise the same until he has received a license in that behalf from the Collector.

In such cases, if the Governor in Council shall by notification so direct, the provisions of section 12 relating to toddy and toddy-producing trees shall not apply.

CHAPTER V.

Duties.

y on or or ›xicating gs.

[3] [**17.** A duty of such amount as the Governor in Council may prescribe[2] shall, if he so direct, be levied on all liquor and intoxicating drugs—

(*a*) permitted to be imported under the proviso to section 6; or

(*b*) permitted to be exported under the proviso to section 7; or

(*c*) permitted under section 11 to be transported; or

(*d*) manufactured under any license granted under section 12; or

(*e*) manufactured at any distillery established under section 14; or

(*f*) issued from a distillery or warehouse licensed or established under section 12 or section 14; or

(*g*) sold in any part of the said Presidency:

Provided that the duty on denatured spirit or beer manufactured in India shall, unless the Governor in Council, with the previous sanction of the

---

[1] See fifth footnote on p. 64?, *supra*.

[2] *See* footnote to s. 10, *supra*. For duty on *bhang*, *see* Fort St. George Gazette, 1910, Pt. I, p. 107.

[3] This section was substituted for the original section 17 by s. 8 of Mad. Act I of 1913.

Governor General in Council, otherwise directs, be equal to the duty to which denatured spirit or beer respectively imported into British India by sea is liable under the Indian Tariff Act, 1894[1] or any other law for the time being in force relating to the duties of customs on goods imported into British India] VIII of 1894

How duty may be imposed.

18. [2] Such duty may be levied in one or more of the following ways —

(*a*) by duty of excise to be charged in the case of spirits or beer either on the quantity produced in or passed out of [3][a distillery, brewery or warehouse licensed or established under section 12 or section 14] as the case may be, or in accordance with such scale of equivalents calculated on the quantity of materials used or by the degree of attenuation of the wash or wort, as the case may be, as the Governor in Council may prescribe,

(*b*) in the case of intoxicating drugs, by a duty to be rateably charged on the quantity produced or manufactured, [3][or issued from a warehouse licensed or established under section 14],

(*c*) by payment of a sum in consideration of the grant of any exclusive or other privilege—

(*1*) of manufacturing or supplying by wholesale, or

(*2*) of selling by retail, or

(*3*) of manufacturing or supplying by wholesale and selling by retail any country liquor or intoxicating drug in any local area and for any specified period of time,

(*d*) by fees on licenses for manufacture or sale,

(*e*) in the case of toddy, or spirits manufactured from toddy, by a tax on each tree from which toddy is drawn, to be paid in such instalments and for such period as the Governor in Council may direct, or

(*f*) by [3] [import export or] transport duties assessed in such manner as the Governor in Council may direct

[3] [" Provided that where there is a difference of duty as between two license periods, such difference may be collected in respect of all stocks of country liquor or intoxicating drugs held by licensees at the close of the former period "]

Tax for tapping unlicensed trees from whom leviable

19. When duty is levied by way of tax on toddy trees under section 18, the Governor in Council may by notification direct that the license required under section 12 shall be granted only on the production by the person applying for it of the written consent of the owner, or person in possession, of such trees to the license being granted to such person so applying for it, and when such

---

[1] General Acts Vol IV

[2] *See* footnote to s 10 *supra* For duty on *bhang see* Fort St George Gazette, 1910, Pt I p 107

[3] These words in square brackets were substituted for the words ' the distillery or brewery" by s 9 (i) of *ibid*, these were added at the end of cl (*b*) by s 9 (ii) *ibid*, these were inserted in cl (*f*) by s 9 (iii) *ibid* and the proviso added to the section by s 9 (iv) *ibid*

notification has been issued such tax shall, in default of payment by the licensee, be recoverable from the owner or other person in possession who has so consented.

When, in like case, trees are tapped without license, the tax due shall be recoverable primarily from the tapper or in default by him from the occupier, if any, of the land, or if the trees do not belong to the occupier of the land, or if the land is not occupied, from the person, if any, who owns or is in possession of the trees, unless he proves that the trees were tapped without his consent.

ies may armed.

20. All or any of the duties leviable under this Act in any local area may, with the sanction of the Governor in Council, be farmed, subject to such payment and on such other conditions as the Governor in Council shall prescribe. Farmers of duties under this section shall take out licenses as such from the Collector.

dy- er grant se.

21. When the exclusive privilege of manufacturing toddy has been granted under section 16, the Governor in Council may declare that the written permission of the grantee to draw toddy shall have, within the area to which the privilege extends, the same force and effect as a license from the Collector for that purpose under section 12.

mer may r assign.

22. In the absence of any contract or condition to the contrary, any grantee of any exclusive or other privilege may let or assign the whole or any portion of his privilege or farm. But no such lessee or assignee shall exercise any rights as such unless and until the grantee or farmer, as the case may be, shall have applied to the Collector for a license to be given to such lessee or assignee, and such lessee or assignee shall have received the same.

overy by ner of s due to

23. It shall be lawful for any such grantee, farmer, lessee or assignee as aforesaid to proceed against any person holding under him for the recovery of any money due to him as if it were an arrear of rent recoverable under the law for the time being in force with regard to landholder and tenant:

Provided that nothing contained in this section shall affect the right of any such grantee, farmer, lessee or assignee to recover by civil suit any such amount due to him from any such person as aforesaid.

CHAPTER VI.

LICENSES, ETC.

rm and ditions of nses, etc.

24. [1] Every license or permit granted under this Act shall be granted—

(*a*) on payment of such fees, if any;

(*b*) for such period;

(*c*) subject to such restrictions and on such conditions; and

---

[1] For notifications, *see* Madras List of Local Rules and Orders, Vol. II, and Fort St. George Gazette, 1908, Pt. II, Suppt. p. 16. *See* also footnote to s. 10, *supra*.

(*d*) shall be in such form and contain such particulars as the Governor in Council may direct either generally or in any particular instance in this behalf

Counterpart agreement to be executed by licensees

25. Every person taking out a license under this Act may be required to execute a counterpart agreement in conformity with the tenor of his license and to give such security for the performance of his agreement as the Collector may require

Power to recall licenses, etc

26. The Collector may cancel or suspend any license or permit granted under this Act—

(*a*) if any fee or duty payable by the holder thereof be not duly paid, or

(*b*) in the event of any breach by the holder of such license or permit, or by his servants, or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such license or permit, or

(*c*) if the holder thereof is convicted of any offence against this Act or any other law for the time being in force relating to abkári revenue or of any cognizable and non bailable offence,[1] [or of any offence under the Merchandise Marks Act, 1889[2] or under sections 478 to 489 of the Indian Penal Code[3] or is punished for any offence referred to in the eighth item of the schedule in section 167 of the Sea Customs Act, 1878,[4]] or

(*d*) where a license or permit has been granted on the application of the holder of an exclusive or other privilege or of a farmer of duties under this Act, on the requisition in writing of such person, or

(*e*) if the conditions of license or permit provide for such cancelment or suspension at will

CHAPTER VII

General Provisions

Certain licensees required to keep instruments for testing etc

[5][**27.** Every person who manufactures or sells any liquor or intoxicating drugs under a license granted under this Act shall be bound—

(*a*) to supply himself with such measures, weights and instruments as the Governor in Council may prescribe and to keep the same in good condition, and

(*b*) on the requisition of any abkári officer duly empowered in that behalf at any time to measure, or weigh any liquor or intoxicating drug or to test any liquor in his possession in such manner as the said abkári officer may require]

---

[1] These words and figures in square brackets were inserted by s 10 of Mad. Act I of 1913
[2] General Acts, Vol IV
[3] " " Vol. I
[4] " " Vol II
[5] This section was substituted for the original section 27 by s. 11 of Mad. Act I of 1913

Recovery of duties, etc.

28. All duties, taxes, fines and fees payable to Government direct under any of the foregoing provisions of this Act or of any license or permit issued under it, and all amounts due to Government by any grantee of a privilege or by any farmer under this Act or by any person on account of any contract relating to the abkári-revenue may be recovered from the person primarily liable to pay the same, or from his surety (if any), as if they were arrears of land-revenue, and, in case of default made by a grantee of a privilege or by a farmer, the Collector may take the grant or farm under management at the risk of the defaulter, or may declare the grant or farm forfeited and re-sell at the risk and loss of the defaulter. When a grant or farm is under management under this section, the Collector may recover any moneys due to the defaulter by any lessee or assignee as if they were arrears of land-revenue.

Power to frame rules.

29. [1][(1) The Governor in Council may make rules[2] for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision the Governor in Council may make rules.]—

(*a*) regulating the mode in which toddy may be supplied to licensed vendors of the same, or to persons who distill spirits from it, or who use it in the manufacture of bread;

(*b*) for determining the number of licenses of each description to be granted in any district or place;

[3] (*c*) for regulating the number, size and description of stills, utensils, implements and apparatus to be used in any distillery;

(*d*) prescribing the instruments to be used in the testing of liquor and the tables of corrections according to temperature to be used therewith;

(*e*) prescribing the measures to be used for the sale of [1]* liquor;

(*f*) fixing for any local area the minimum price below which any country liquor shall not be sold;

[3] (*g*) for the warehousing of liquor and intoxicating drugs and for the removal of the same from any warehouse in which they are deposited for deposit in any other warehouse or for local consumption or for export;

[3] (*h*) for the inspection and supervision of stills, distilleries, private warehouses and breweries;

(*i*) for the management of any public distillery or public warehouse established under section 14;

---

[1] These words were substituted for the words "the Governor in Council may from time to time frame rules" by s. 12 (i) of Mad. Act I of 1913; the word "country" omitted by s. 12 (ii) *ibid*; and cls. (*l*) to (*o*) were inserted and the original cls. (*l*), (*m*) and (*n*) were relettered as (*p*), (*q*) and (*r*) respectively and the original clause (*o*) omitted by s. 12 (iii) of *ibid.*

[2] For rules framed under the powers conferred by this section, *see* Madras List of Local Rules & Orders, Vol. II. *See* also footnote to s. 10, *supra.*

[3] For rules under these clauses, *see* Madras List of Local Rules and Orders, Vol. II.

[1] (*j*) for placing the preparation of intoxicating drugs and the storage, import, export, possession or transport of liquor or intoxicating drugs under such supervision and control as may be deemed necessary for the purposes of this Act,

(*k*) prohibiting the use of any article which the Government shall deem to be noxious or otherwise objectionable in the manufacture of liquor or of any intoxicating drug,

[2][[1](*l*) regulating the cultivation of the hemp and coca plants, the collection of those portions of such plants from which intoxicating drugs can be manufactured and the manufacture of such drugs therefrom,

(*m*) (1) declaring the process by which spirit manufactured in or imported into the Presidency shall be denatured,

" (2) for causing such spirit to be denatured through the agency or under the supervision of the excise officers,

" (3) for ascertaining whether such spirit has been denatured,

(*n*) regulating the bottling of liquor for purposes of sale,

(*o*) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders, whether original or appellate passed under this Act or under any rule made thereunder, or by what authorities such orders may be revised, and prescribing the time and manner of presenting appeals, and the procedure for dealing therewith,]

[1] (*p*) for the grant of batta to witnesses, and of compensation for loss of time to persons released by any Abkári officer under section 40 (3) of this Act, on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under this Act and acquitted;

(*q*) regulating the power of Abakári officers to summon witnesses from a distance under section 44,

(*r*) for the disposal of articles confiscated and of the proceeds thereof,

[2]* * * * * * *

CHAPTER VIII

Powers and Duties of Officers, etc

Magistrate may issue a search

30. If any [3] [Collector or] Magistrate upon information [3][obtained] and after such inquiry as he thinks necessary, has reason to believe that an

---

[1] For rules under these clauses, *see* Madras List of Local Rules and Orders, Vol II

and the word 'obtained' substituted for the any other person" by s. 13 of Mad. Act I of

1919

warrant on application.

offence under section 55 or section 57 or section 58 of this Act has been committed, he may issue a warrant for the search for any liquor, intoxicating drug, materials, still, utensil, implement or apparatus in respect of which the alleged offence has been committed.

Before issuing such warrant, the [1][Collector or] Magistrate shall examine the informant on oath or affirmation, and the examination shall be reduced into writing in a summary manner and be signed by the informant and also by the Magistrate.

Power to certain Abkári and Police Officers to search houses, etc., without warrant.

31. Whenever the Commissioner, or a Collector, or any Abkári or Police Officer not below the rank of Sub-inspector or a Police-station-officer, has reason to believe that an offence under section 55 or section 57 or section 58 of this Act has been committed, and that the delay occasioned by obtaining a search-warrant under the preceding section will prevent the execution thereof, he may ,after recording his reasons and the grounds of his belief, at any time, by day or night, enter and search any place, and may seize anything found therein which he has reason to believe to be liable to confiscation under this Act; and may detain and search and, if he think proper, arrest any person found in such place whom he has reason to believe to be guilty of any offence under this Act:

Provided that every person arrested under this section shall be admitted to bail by such officer as aforesaid if sufficient bail be tendered for his apperance either before a Magistrate or before an Abkári-inspector, as the case may be.

Power to enter and inspect places of manufacture and sale.

32. The Commissioner, or a Collector, or any Abkári-officer not below the rank of Sub-inspector, or any Police-officer duly empowered in that behalf, may enter and inspect, at any time by day or by night, any place in which any licensed manufacturer carries on the manufacture of any liquor or intoxicating drug, or draws toddy, or stores any liquor or intoxicating drug or toddy; and may enter and inspect, at any time during which the same may be open, any place in which any liquor or intoxicating drug is kept for sale by any licensed person; and may examine, test, measure or weigh any materials, stills, utensils, implements, apparatus, liquor or intoxicating drugs found in such place.

In case of resistance, entry may be made by force, etc.

33. If any officer empowered to make an entry under the provisions of the last two preceding sections cannot otherwise make such entry, it shall be lawful for him to break open any outer or inner door or window and to remove any other obstacle to his entry into any such place.

Offenders may be arrested, and contraband liquor and articles seized, without warrant.

34. Any officer of the Abkári, Salt, Police, Land-revenue or Customs Departments, and any other person duly empowered, may arrest without warrant in any public thoroughfare or open place other than a dwelling-house any person found committing an offence punishable under section 55 or section 57

---

[1] *See* footnote to s. 30.

or section 58 of this Act, and in any such thoroughfare or place may seize and detain any liquor, drug or other article which he has reason to believe to be liable to confiscation under this Act or any other such law, and may search any person, vessel, vehicle, animal, package, receptacle or covering upon whom or in or upon which he may have reasonable cause to suspect any such liquor, drug or other such article to be or to be concealed

[[1] Provided that if the officer or person making the arrest under this section be not empowered under section 5 A to admit to bail, the person arrested shall be forthwith forwarded to an officer so empowered if there be such an officer within a distance of five miles from the place where such arrest took place — Procedure in case of person arresting not being empowered under section 5 A

And it shall be the duty of such officer empowered as aforesaid to admit such person to bail if sufficient bail be tendered for his appearance before an Abkári officer having jurisdiction to inquire into the case]

35 Any person who may be accused or reasonably suspected of committing an offence under this Act, and who on demand of any officer of the Abkári, Salt, Police, Land revenue or Customs Departments, or of any other person duly empowered, refuses to give his name and residence, or who gives a name or residence which such officer or person has reason to believe to be false, may be arrested by such officer or person in order that his name and residence may be ascertained — Arrest of persons refusing to give name or giving false name

36 All searches under the provisions of this Act shall be made in accordance with the provisions of the Code of Criminal Procedure [2] — Searches how to be made

37 All officers of the Departments of Police, Customs, Salt and Land revenue shall be legally bound to assist any Abkari officer in carrying out the provisions of this Act — Officers of certain departments bound to assist

38 Every officer employed by Government, other than an Abkari officer, shall be bound to give immediate information to an Abkári officer, — Offences to be reported, etc

and every Abkari officer shall be bound to give immediate information either to his immediate official superior or to an Abkári inspector,

of all breaches of any of the provisions of this Act which may come to his knowledge, and all such officers shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed

39 All zamindars, proprietors, tenants, under tenants and cultivators who own or hold land on which there shall be any manufacture of liquor or intoxicating drugs not licensed under this Act shall, in the absence of reasonable excuse, be bound to give notice of the same to a Magistrate or to an officer of the Abkari, Salt, Police, Customs or Land revenue Departments immediately the same shall have come to their knowledge — Landholders and others to give information

---

[1] The words in square brackets were added to s 34 by Madras Act I of 1903 *infra*
[2] *See* now Act V of 1898, General Acts Vol V

Persons arrested how to be dealt with.

40. (*1*) When any person is arrested under the provisions of section 31 or section 34 or section 35 of this Act, the person arresting him shall, unless bail shall have been accepted under the provisions of section 31, [1] [or of section 34] forthwith forward him to an Abkári-inspector, or, if there be no such officer within a distance of ten miles from the place at which such arrest took place, to the nearest police-station, with a report of the circumstances under which such arrest was made.

Procedure by Police-station-officer.

(*2*) On any such person being brought to a police-station as aforesaid, the officer in charge thereof shall either admit him to bail to appear when summoned before the Abkári-officer as aforesaid within the limits of whose jurisdiction the offence with which he is charged is suspected to have been committed, or, in default of bail, shall forward him in custody to such officer.

Procedure by Abkári-officer empowered to inquire.

(*3*) On any such person being brought in custody before such Abkári-officer as aforesaid or appearing before him on bail, [1] [or when such Abkári-officer as aforesaid has himself made the arrest] such officer shall hold such inquiry as he may think necessary, and shall either release such person, or forward him in custody to, or admit him to bail to appear before, the Magistrate having jurisdiction to try the case.

Power of Abkári officer to admit persons to bail to appear before himself or other officer having jurisdiction.

[[2] Provided that if such inquiry is not commenced and completed on the day on which such person is arrested by or is brought or appears before such Abkári-officer, the said officer shall, if sufficient bail be tendered for the appearance of the person arrested, admit the said person to bail to appear on any subsequent day before himself or any other Abkári-officer having jurisdiction to inquire into the case.]

Persons arrested to be admitted to bail.

41. It shall be the duty of any officer arresting any person under the powers given by section 31 of this Act, and of any Police-station-officer or Abkári-officer before whom a person arrested is brought or appears under the provisions of section 40, to release such person on bail if sufficient bail be tendered for his appearance before an Abkári-inspector or before a Magistrate, as the case may be.

Bond of accused and sureties.

42. Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper shall be executed by such person and by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Abkári-inspector before whom he was bailed to attend, or by the Magistrate, as the case may be:

Provided that the officer admitting any such person to bail may at his discretion dispense with the requirement of a surety or sureties to the bond executed by such person.

The Governor in Council shall from time to time determine the form of the bond to be used in any local area.

---

[1] Inserted by Madras Act I of 1905, s. 4, *infra*.
[2] Inserted by Madras Act I of 1905, s. 5, *infra*.

43 When by reason of default of appearance of a person bailed to appear before an Abkari inspector such officer is of opinion that proceedings should be had to compel payment of the penalty or [illegible] the person bailed or of the surety or sureties [illegible] Magistrate having jurisdiction to try the offence of which the person bailed was accused and the Magistrate shall proceed to compel payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure [1] for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court

Procedure in case of de fault of per [illegible] Abkari Inspector

44 Any Abkari officer holding an inquiry in the manner provided in section 40 may summon any person to appear before himself to give evidence on such inquiry or to produce any document relevant thereto which may be in his possession or under his control

Abkari officers may summon *witnesses*

Provided that no such Abkari officer shall summon any person to appear at a greater distance from the usual place of residence of such person than the Governor in Council may from time to time by rule direct

45 Every summons issued under the last preceding section shall state whether the person summoned is required to give evidence or to produce a document, or both, and shall require him to appear before the said officer at a stated time and place

Terms of summons

46 Persons so summoned shall attend as required and shall answer all questions relating to such inquiry put to them by such officer Such answers shall be reduced into writing and shall be signed by such officer

Examination of witness by Abkári inspectors

47 It shall be lawful for an Abkari inspector, instead of summoning to appear before him any person who, from sickness or other infirmity, may be unable so to do, or whom by reason of rank or sex it may not be proper to summon, to proceed to the residence of such person and there to require him to answer such questions as he may consider necessary with respect to such inquiry, and such person shall be bound so to answer accordingly, and the provisions of section 46 shall apply to such answers

When attendance of witnesses to be dispensed with and procedure in such cases

48 Any Abkari-inspector may, after recording his reasons in writing, summon any person to appear before him whom he has good reason to suspect of having committed an offence under this Act On such person appearing before such officer, the procedure prescribed by sections 40 to 47, inclusive, of the Act shall become applicable

[2] [The officer may also, if he considers it necessary for the investigation of the case, exercise the powers conferred by sections 44 to 47 before summoning the person suspected]

Abkári inspector may summon persons suspected of offences against abkari laws

49 The law for the time being in force as to summonses and compelling the attendance of persons summoned in Criminal Courts shall, so far as the

Law relating to Criminal Courts as to

---

[1] *See* now Act V of 1898 General Acts, Vol V

[2] This para. was added by s. 14 of Mad. Act, I of 1913, *infra*

summoning of witnesses to apply.

same may be applicable, apply to any summons issued by an Abkári-inspector and to any person summoned by him to appear under the provisions of this Act.

Report of Abkári-inspector gives jurisdiction to a competent Magistrate.

50. When an Abkári-inspector forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction to try the case, or admits any such person to bail to appear before such Magistrate, such officer shall also forward to such Magistrate a report setting forth the name of the accused person and the nature of the offence with which he is charged, and the names of the persons who appear to be acquainted with the circumstances of the case, and shall send to such Magistrate any article which it may be necessary to produce before him. Upon receipt of such report the Magistrate shall inquire into such offence and try the person accused thereof in like manner as if complaint had been made before him as prescribed in the Code of Criminal Procedure.[1] X of

Powers of Abkári-inspector to cause attendance of witnesses before Magistrate.

51. When an Abkári-inspector forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction to try the case, or admits him to bail to appear before such Magistrate, such officer shall exercise all the powers conferred by the Code of Criminal Procedure [1] on an officer in charge of a police-station in respect to causing the appearance before such Magistrate of such persons acquainted with the facts and circumstances of the case as he considers it necessary that such Magistrate shall examine as witnesses for the prosecution of such case. X of

Accused not to be detained in custody for a longer period than twenty-four hours without special authority.

52. No person accused or suspected of having committed an offence under this Act shall be detained for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the place where an Abkári-inspector may be, and from thence to the Court having jurisdiction to try the case.

Police to ...ke charge ...articles ...ized.

53. All officers in charge of police-stations shall take charge of and keep in safe custody, pending the orders of a Magistrate or of an Abkári-inspector, all articles seized under this Act which may be delivered to them; and shall allow any Abkári-officer who may accompany such articles to the police-station, or who may be deputed for the purpose by his superior officer, to affix his seal to such articles and to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the police-station.

Closing of shop for the sake of public peace.

54. It shall be lawful for the Magistrate of the district or, in the town of Madras, for the Commissioner of Police, by notice in writing to the licensee, to require that any shop in which liquor or any intoxicating drug is sold shall be closed at such times or for such period as he may think necessary for the preservation of the public peace.

---

[1] *See* now Act V of 1898, General Acts, Vol. V.

If a riot or unlawful assembly is apprehended or occurs in the vicinity of any such shop, it shall be lawful for any Magistrate, or for any Police-officer who is present, to require such shop to be kept closed for such period as may be necessary.

CHAPTER IX

PENALTIES

55 Whoever, in contravention of this Act, or of any rule or order made under this Act or of any license or permit obtained under this Act,— For illegal import etc

(*a*) imports, exports transports or possesses liquor or any intoxicating drug, or

(*b*) manufactures liquor or any intoxicating drug, or

(*c*) cultivates the hemp plant (*Cannabis Sativa* or *Indica*), [1][the coca plant (*Erythroxylon Coca*), or collects any portion of such plants from which an intoxicating drug can be manufactured, or]

(*d*) taps any toddy producing tree, or

(*e*) draws toddy from any tree, or

(*f*) constructs or works any distillery or brewery, or

(*g*) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing liquor other than toddy or any intoxicating drug, or

[1][(*h*) bottles any liquor for purposes of sale, or]

(*i*) sells liquor or any intoxicating drug

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both

[2][" **55-A.** Whoever attempts to render fit for human consumption any spirit, whether manufactured in British India or not, which has been denatured or has in his possession any spirit in respect of which he knows or has reason to believe that any such attempt has been made, shall, on conviction before a Magistrate, be liable to imprisonment for a term which may extend to three months or to fine which may extend to one thousand rupees or to both."] For attempting to render denatured spirit fit for human consumption

56 Whoever, being the holder of a license or permit granted under this Act [3][or being in the employ of such holder and acting on his behalf] — For misconduct by licensee, etc

(*a*) fails to produce such license or permit on the demand of any Abkári-officer or of any other officer duly empowered to make such demand, or

---

[1] The words in square brackets added to clause (*c*) by s 15 (1) of Mad Act I of 1913, cl (*h*) was inserted and the original cl (*h*) was relettered (*i*) by s 15 (ii) *ibid*

[2] Section 55 A. was inserted by s 16 *ibid*

[3] These words in square brackets were inserted and the words "wilfully does or omits to do anything" were substituted for the words "does any act" in clause (*b*) by s. 17 *ibid*

(*b*) [1][wilfully does or omits to do anything] in breach of any of the conditions of his license or permit not otherwise provided for in this Act; or

(*c*) wilfully contravenes any rule made under section 29 of this Act; or

(*d*) permits drunkenness, riot or gaming in any place in which any liquor or intoxicating drug is sold or manufactured; or

(*e*) permits persons of notoriously bad character to meet or remain in any such place,

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to two hundred rupees, or with imprisonment which may extend to three months, or with both.

For adulteration, etc., by licensed vendor or manufacturer.

57. Whoever, being the holder of a license for the sale or manufacture of liquor or of any intoxicating drug under this Act,—

(*a*) mixes or permits to be mixed with the liquor or intoxicating drug sold or manufactured by him any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength, or any article prohibited by any rule made under section 29, clause (*k*), when such admixture shall not amount to the offence of adulteration under section 272 of the Indian Penal Code,[2] or XLV of 1860.

(*b*) sells or keeps or exposes for sale as foreign liquor, liquor which he knows or has reason to believe to be country liquor, or

(*c*) marks the cork of any bottle or any bottle, case, package or other receptacle containing country liquor, or uses any bottle, case, package or other receptacle containing country liquor, with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of using a false trademark with intent to deceive or injure any person under section 482 of the Indian Penal Code;[2] or XLV of 1860.

(*d*) sells or keeps or exposes for sale any country liquor in a bottle, case, package or other receptacle with any mark thereon or on the cork thereof with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor, when such act shall not amount to the offence of selling goods marked with a counterfeit trademark under section 486 of the Indian Penal Code,[2] XLV of 1860.

---

[1] These words in square brackets were substituted for the words "does any act" by s. 17 of Mad. Act I of 1913.

[2] Printed, General Acts, Vol. I.

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both

58 Whoever without lawful authority has in his possession any quantity of liquor or of any intoxicating drug knowing the same to have been unlawfully imported, transported or manufactured, or knowing the prescribed duty not to have been paid therefor, shall, on conviction before a Magistrate, be punished with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both

For possession of illicit liquor

59 Any Abkári officer or other person who, without reasonable ground of suspicion, enters or searches, or causes to be searched, any closed place,

For vexatious search or arrest

or vexatiously and unnecessarily seizes the property of any person on the pretence of seizing or searching for anything liable to confiscation under this Act,

or vexatiously and unnecessarily detains, searches or arrests any person, or in any other way vexatiously exceeds his lawful powers,

shall on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both

60 Any officer or person exercising powers under this Act who vexatiously and unnecessarily delays forwarding to an Abkari inspector or to the officer in charge of the nearest police station, as required by section 40 of this Act, any person arrested, or any articles seized under this Act, shall, on conviction before a Magistrate, be punished with fine which may extend to two hundred rupees

For vexatious delay

61 Any officer or person who unlawfully releases or abets the escape of any person arrested under this Act, or abets the commission of any offence against this Act, or

For abetment of escape of persons arrested, etc

acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this Act may be evaded or broken, or the abkári revenue may be defrauded,

and any officer of any other department referred to in section 37 who abets the commission of any offence against this Act in any place,

shall, on conviction before a Magistrate, for every such offence be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both

62 [*Penalty for Abkari officer refusing to do his duty, using violence and for cowardice Rep by s 18 of Mad Act I of 1913*]

63 Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Act, or of any rule or order made under this Act, and not otherwise provided for in this Act, shall, on conviction before a Magistrate, be punished for each such wilful act or omission with fine which may extend to two hundred rupees

For offences not otherwise provided for

Presumption as to commission of offence in certain cases.

64. In prosecutions under section 55 it shall be presumed, until the contrary is proved, that the accused person has committed an offence under that section in respect of any liquor or intoxicating drug, or any still, utensil, implement or apparatus whatsoever for the manufacture of liquor other than toddy or of any intoxicating drug, or any such materials as are ordinarily used in the manufacture of liquor or of any intoxicating drug, for the possession of which is unable to account satisfactorily;

and the holder of a license or permit under this Act shall be punishable, as well as the actual offender, for any offence committed by any person in his employ and acting on his behalf under section 55 or section 56 or section 57 or section 58 as if he had himself committed the same, unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence:

Provided that no person other than the actual offender shall be punished with imprisonment except in default of payment of fine.

What things liable to confiscation.

65. In any case in which an offence has been committed under this Act, the liquor, drug, materials, still, utensil, implement or apparatus in respect [1][or by means] of which an offence has been committed shall be liable to confiscation.

Any liquor or intoxicating drug lawfully imported, exported, transported, manufactured, had in possession or sold, or toddy lawfully drawn or tapped along with, or in addition to, any liquor, intoxicating drug or toddy, liable to confiscation under this section, and

the receptacles, packages and coverings in which any such liquor, intoxicating drug, materials, still, utensil, implement or apparatus as aforesaid is or are found, and the other contents, if any, of the receptacles or packages in which the same is or are found, and the animals, carts, vessels or other conveyances used in carrying the same,

shall likewise be liable to confiscation.

Confiscation how ordered.

66. When the offender is convicted, or when the person charged with an offence under this Act is acquitted, but the Magistrate decides that anything is liable to confiscation, such confiscation may be ordered by the Magistrate.

Whenever confiscation is authorized by this Act, the Magistrate ordering it may give the owner of the thing liable to be confiscated an option to pay, in lieu of confiscation, such fine as the officer thinks fit.

When an offence under this Act has been committed, but the offender is not known or cannot be found, or when anything liable to confiscation under this Act and not in the possession of any person cannot be satisfactorily accounted for, the case shall be inquired into and determined by the Commissioner, or by any other officer authorized by the Governor in Council in that behalf, who may order such confiscation:

Provided that no such order shall be made until the expiration of one month from the date of seizing the things intended to be confiscated or with-

[1] Inserted by s. 19, Mad. Act I of 1913, *infra*.

out hearing the persons, if any, claiming any right thereto, and evidence if any, which they produce in support of their claims

[1][Provided further that if the thing in question is liable to speedy and natural decay or if the Commissioner or any other officer authorized by the Governor in Council in that behalf is of opinion that the sale would be for the benefit of its owner he may at any time direct it to be sold, and the provisions of this section shall, as nearly as may be practicable, apply to the nett proceeds of such sale]

Power to compound offences

67 [2] Any Abkari officer specially empowered in that behalf may accept from any person whose license or permit is liable to be cancelled or suspended under clauses (*a*) and (*b*) of section 26 or who is reasonably suspected of having committed an offence under [3][section 55 56 57, 58 or 63], a sum of money not exceeding two hundred rupees in lieu of such cancelment or suspension or by way of compensation for the offence which may have been committed as the case may be , and in all cases whatsoever in which any property has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by such officer

On the payment of such sum of money, or such value, or both as the case may be to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released and no further proceedings shall be taken against such person or property

Provisions of the Criminal Procedure and Indian Penal Codes applicable to offences committed under this Act

2 **68** The provisions of the Criminal Procedure Code[4] relating to execution so far as the same are applicable, and sections 67 68 and 69 of the Indian Penal Code [5] shall apply to all offences committed and to all persons punished under the provisions of this Act

---

CHAPTER X

MISCELLANEOUS

Publication of rules and notifications

69 All rules made and notifications issued under this Act shall be made and issued by publication in the Fort St George Gazette

Provided that all such rules and notifications whereby the doing or the not doing of anything is made punishable shall be published in three successive issues of the Fort St George Gazette and for at least two months in the official Gazettes of the districts to which, or to parts of or to places in which it may be determined that they shall apply

---

[1] This proviso was added by s 20 of Mad Act I of 1913 *infra*

[2] ... missioner Collectors etc to exercis the powers ... Local Rules and Orders Vol II, and Fort St

... tuted for the words and figures "section 56 or

... ol V

All such rules and notifications shall thereupon have the force of law and be read as part of this Act, and may in like manner be varied, suspended or annulled.

The conferring of powers and making of appointments.

70. All notifications and orders conferring powers, imposing duties and making appointments under this Act may respectively refer to the persons concerned specially by name or in virtue of their office or to classes of officials generally by their official titles; and all Courts shall take judicial notice thereof.

Exception of medicated articles.

[1] [71. The Governor in Council may by[2] notification either wholly or partially, subject to such conditions as he may think fit to prescribe, exempt any liquor or intoxicating drug from all or any of the provisions of this Act, either throughout the Presidency or in any specified area, or for any specified period or occasion or as regards any specified person or class of persons.]

Bar of actions.

72. No action shall lie against the Secretary of State for India in Council or against any Abkári-officer, for damages in any Civil Court for any act *boná fide* done or ordered to be done in pursuance of this Act, or of any law for the time being in force relating to abkári-revenue;

and all prosecutions of any Abkári-officer, and all actions which may be lawfully brought against the Secretary of State for India in Council or against any Abkári-officer, in respect of anything done, or alleged to have been done, in pursuance of this Act, shall be instituted within six months from the date of the act complained of and not afterwards.

In such action, if for damages, it shall be lawful for the Court, if tender of sufficient amends shall have been made before the action was brought, in awarding the amount so tendered, to refuse costs to the plaintiff and direct him to pay the costs of the defendant.

SCHEDULE.

(*See section 2.*)

Enactment.	Subject.	Extent of Repeal.
Act XIX of 1854 . .	For better securing the Abkári-revenue of the town and suburbs of Madras.	The whole so far as it has not already been repealed.
Act III of 1856 . .	An Act to amend Act XIX of 1852 .	The whole.

[1] This section was substituted for the original section 71 by s. 22 of Mad. Act I of 1913, *infra*.

[2] *See* Madras List of Local Rules and Orders, Vol. II.

SCHEDULE—*contd*

Enactment	Subject	Extent of Repeal
[1] Act XVI of 1863	The Excise (Spirits) Act 1863	So much as has not been repealed
[2] Act III of 1864 (Madras)	An Act for amending the Abkari Laws of the Madras Presidency beyond the limits of the Madras Abkári as prescribed by Act XIX of 1852	The whole so far as it has not already been repealed
[2] Act V of 1879 (Madras)	The Madras Abkari Laws Amendment Act 1879	The whole
[1] Act VIII of 1894	The Indian Tariff Act 1894	Section 6

MADRAS ACT No IV OF 1886 [3]

[THE RAILWAY PROTECTION ACT 1886]

[9th April 1886 31st June, 18 86]

An Act to provide for the prevention of injury to Railways from the escape or overflow of water from irrigation works situated upon the lands of Zamindars or other Landholders

WHEREAS it is expedient to provide for the prevention of injury to lines of railway from the escape and overflow of water from rivers tanks channels or irrigation-works situated upon the lands of landholders, It is hereby enacted as follows — Preamble

1. This Act may be called the Railway Protection Act 1886 Short title

It extends to the territories for the time being administered by the Governor in Council of Fort St George Local extent

2. In this Act,

the term 'landholders' shall be taken to include all persons holding under a sanad i milkiyat i istimrar, all other zamindars shrotriemdars, jagirdars, 'Landholders'

[1] These items were inserted by s 23 of Mad. Act I of 1913 *infra*

Mad Acts III of 1864 and V of 1879 are still in force in other portions of the Agency Tracts and in the Bhadrachalam and Pakapilli taluqs of the Godavari district *see* Fort St

p 692.

inámdárs and all persons farming the land-revenue under Government, but shall not include holders of lands under raiyatwari settlement :

"Railway."

"railway" means a railway for the public conveyance of passengers or goods :

it includes—

(*a*) all land within the fences or other boundary marks prescribed under section 52, Act IV of 1879 [1] (India) ;

(*b*) all lines of rail, sidings or branches worked over for the purposes of, or in connection with, a railway ;

(*c*) all stations, offices, warehouses, fixed machinery and other works constructed for the purposes of, or in connection with, a railway ;

"Irrigation-works."

"irrigation-works" means and includes tanks, river-channels, embankments, sluices, weirs, revetments and other works of a like description situated upon the lands of landholders.

Collector of the district may inspect irrigation-works.

3. The Collector of the district or any officer appointed by him on that behalf may at any time enter upon the lands of any landholder and inspect, or cause to be inspected, any irrigation-works which shall be so situated within such lands that any railway may appear liable to be injured from the escape or overflow of water therefrom.

When Collector considers measures should be taken to protect a railway he shall cause plans and estimates of the necessary measures to be prepared.

4. Whenever it shall appear necessary to the Collector that measures should be taken in respect of any irrigation-work for the protection of any railway, he shall cause to be prepared plans and estimates specifying the measures which, having regard to the safety of the railway and the interests of the landholders, tenants and other persons concerned, he may think necessary, and he shall also record a statement showing with reasons how far, in his opinion, the landholder in possession of, or having control over, the said works is liable to contribute towards the expenses to be incurred in carrying out the said measures. Such statement shall contain—

(1) a description of the works upon which the measures are to be executed ;

(2) the name of any landholder who, to the best of the Collector's information and belief, is in possession of, or has control over, such works ;

(3) the proportion, if any, of the estimated expenditure which is to be borne by the landholder.

The Collector shall cause copies of a Vernacular translation of such statement to be fixed in some conspicuous place or places in the village or villages to which the said works belong.

[1] *See* now the Indian Railways Act,

5. The Collector shall, upon the completion of the plans, estimates and statement mentioned in the last preceding section, send copies thereof to the landholder named in the statement as being in possession of, or having control over, the irrigation-works described therein, together with an order in writing requiring the landholder so named as aforesaid within a reasonable time fixed in the notice to carry out the measures specified in the said plans and estimates, or to appear before the Collector and show cause why he should not carry out the same

Collector to send the plans and estimates to the landholder concerned with an order to him to take the measures specified or to show cause why he should not do so

6. If the landholder appears before the Collector and satisfies him, after such inquiry as he thinks fit, that he is not the landholder in possession of, or having control over, the works named in the statement, or that other measures than those proposed may, with due regard to the safety of the railway, be adopted for the protection thereof, or that he ought not to bear the whole or any part of the cost which he has been called upon to bear for the purpose of carrying out the proposed measures, the Collector shall cancel or modify the order accordingly

Collector may cancel or modify the order

7. If the order is not cancelled by the Collector, he shall by a written notice call upon the landholder so named as aforesaid to carry out, within a reasonable time to be named in the notice, the measures specified in the order as originally issued or modified, as the case may be The notice shall contain a copy of such order

If the order is not cancelled Collector to call upon the landholder by notice to execute the measures

8. Pending such an inquiry by the Collector or at any time within thirty days of the date when the copy of the notice is fixed as aforesaid, it shall be lawful for the tenants or other persons concerned to appear before the Collector and make such representations as they may think fit with regard to the nature of the proposed measures

Tenants and others interested may make representation to the Collector as to the nature of proposed measures

9. In the event of the measures specified in the order mentioned in section 7 not being carried out within the time fixed, the Collector shall report the matter for the orders of the Governor in Council, who may direct that the proposed measures be carried out, or pass such other orders as he may deem fit A copy of the order of the Governor in Council shall be sent to the landholder, and shall be published in the Gazette of the district or districts concerned

If landholder fails to execute the measures, the Collector shall report the matter to the Government who may direct the execution of measures

10. After the execution of the said measures, the Collector shall cause to be served upon the landholder a memorandum showing the total cost incurred in the execution of the same and the sum which, in the opinion of the Col-

After execution of measures, notice to be served

on landholder to pay cost of measures. lector, the landholder is liable to pay, together with a notice requiring him to pay the same within a time to be fixed in such notice.

Procedure in case of emergency. **11.** In cases in which, in the opinion of the Collector of any district in which any irrigation-work may be situated, the immediate execution of any measures in respect of such work is necessary for preventing serious danger to life or property, or serious obstruction to public traffic upon any railway, he may order the execution of such measures, and shall without unnecessary delay record a statement showing the grounds of his opinion and the material facts of the case. A copy of the statement shall be served upon the landholder who, according to the Collector's information, is in possession of, or has control over, such work, together with a memorandum showing the nature of the measures executed, the total cost thereof, and the sum which, in the opinion of the Collector, the said landholder is liable to pay, and with a notice calling upon him, within a reasonable time to be fixed therein, to pay the same, or to appear before the Collector and show cause why he should not pay the same.

Collector to decide what sum the landholder is liable to pay. **12.** If the landholder appears before the Collector and shows cause under section 11, the Collector shall, after such inquiry as he may deem fit, decide what sum, if any, the landholder is liable to pay, and shall cause a notice to be served upon him calling upon him to pay the same within a time to be fixed therein.

Collector may appoint assessors in inquiry regarding landholder's liability. **13.** In the inquiry held by the Collector under section 6 or section 12, the Collector may, on the application of the landholder, appoint, for the purpose of ascertaining the liability of the landholder and the extent thereof, not more than five assessors, of whom not less than half shall be nominated by the Collector and the remainder by the landholder;

may summon such assessors to attend at such place and time as the Collector thinks fit; and

may fix a time within which they are to submit their opinion.

If landholder neglects or refuses to pay, Collector may file a suit. **14.** If any landholder, upon whom a notice shall have been served under section 10, section 11 or section 12, shall neglect or refuse to pay the sum mentioned therein in whole or in part, the Collector may file a suit in the Civil Court for the recovery of the said sum or such part thereof as may remain unpaid.

Court to try the case as provided by the Civil Procedure Code. **15.** The Court shall thereupon proceed to try the suit and pass a decree in the manner provided by the Code of Civil Procedure[1] for the hearing of suits: XIV of

Provided that the said landholder shall not in any such suit be held liable in an amount exceeding that which he, in the exercise of due and proper care as a landholder, would have expended on the maintenance of the works mentioned in the order made as aforesaid.

---

[1] *See now* the Code of Civil Procedure, 1908 (Act V of 1908), General Acts, Vol. VI.

16. Any landholder or other person shall be entitled to reasonable compensation for any loss or damage occasioned to him by, or in the course of the execution of, any of the measures taken under section 5 or section 7 or section 9 or section 11 The amount of such compensation shall be fixed by the Collector after such inquiry as he may deem fit

Compensation to landholder for loss or damage caused by protective measures

17. For the purposes of this inquiry the Collector may, on the application of the claimant, appoint not more than five assessors of whom not less than half shall be nominated by the Collector and the remainder by the claimant,

may summon such assessors to attend at such place and time as the Collector thinks fit, and

may fix a time within which they are to submit their opinion

Collector may appoint assessors in inquiry regarding compensation

18. In the event of the Collector and the said landholder or other person being unable to agree as to the amount of such compensation, it shall be lawful for the said landholder or other person to file a suit in the Civil Court for the recovery of such compensation

If landholder is dissatisfied with the compensation awarded, he may file a suit

19. Every notice given under the provisions of this Act shall, if practicable, be served personally on the person to whom it is addressed, or, if he cannot be found, the notice may be left at his usual or last known place of abode with some adult member of his family, servant or agent, or may be sent by a registered letter, or may be put upon some conspicuous part of his usual or last known place of abode, and shall thereby be deemed to have been duly presented or served

Notice how to be served

20. The Governor in Council may, by notification published in the Fort St George Gazette, and in the Gazette of the district or districts concerned, from time to time, authorize any revenue officer not below the rank of Deputy Collector to exercise any of the powers of a Collector under this Act, and may in like manner at any time withdraw or modify such authority

Government may authorize Revenue officer to exercise powers of Collector

---

MADRAS ACT No I OF 1888 [1]

[THE LOCAL AUTHORITIES LOAN ACT, 1888]

[*26th January, 1888 and 20th April, 1888*]

An Act to empower Local Authorities to guarantee Interest on, or to create a Fund for Re payment of, Capital expended on certain purposes

WHEREAS it is expedient to empower local authorities to charge their funds with the payment of interest on Capital applied to the carrying out of

Preamble

---

[1] ... *ibid*, 24th January, 1888, p 1

5. The Governor in Council may, from time to time, make rules consistent with this Act as to— *Power of Government to make rules*

(1) the nature of the funds on the security of which interest may be guaranteed,

(2) the works for the carrying out of which the payment of interest may be guaranteed

(3) the manner of making application for sanction to give such guarantee,

(4) the inquiries to be made in relation to such applications and the manner of conducting such inquiries,

(5) the inspection of any works carried out under any contract in respect of which the payment of interest is guaranteed under this Act,

(6) the accounts to be kept by the person or corporate body with whom such contract is made and for the inspection of the same,

(7) attachment of the funds and the manner of collecting or disposing of them,

and as to all other matters incidental to carrying this Act into effect

All such rules shall be published in the Fort St George Gazette

The Governor in Council may, in like manner, from time to time, cancel or alter such rules *Cancellation or alteration of rules*

MADRAS ACT No II OF 1888 [1]

[THE PLACES OF PUBLIC RESORT ACT 1888]

[*12th April 1888 31st May, 1888*]

An Act to provide for the Inspection and Licensing of Places of Public Resort and Entertainment

WHEREAS it is expedient to provide for the inspection of places of public resort and entertainment, and for the licensing of the same by competent authority, It is hereby enacted as follows — *Preamble*

1. (*1*) This Act may be called the Places of Public Resort Act, 1888 *Short title*

* * * * * * [2]

[3] (*3*) It extends to all towns in the Madras Presidency which have been or may hereafter be declared to be municipalities under Madras Act IV of 1884,[4] or other Act of the same nature for the time being in force, and the *Local extent*

---

[1] For Statement of Objects and Reasons *see* Fort St George Gazette, Supplement dated 8th November, 1887, p. 19 for Report of the Select Committee, *see ibid* dated 31st January, 1888, p 1, for Proceedings in Council, *see ibid* dated 29th November, 1887, p 5, and *ibid*, dated 27th March, 1888, p 11

[2] ... , was repealed by the ... Part III.

[3] ... ules and Orders, Vol. II

[4] Printed, *supra*

Governor in Council may, from time to time, by notification in the Fort St. George Gazette, extend it permanently or for a time or for specified occasions only, from such date as may be specified in the notification, to any other local area in the Presidency of Fort St. George outside the limits of the municipality of Madras, and may cancel or modify any such notification.

Saving.

(4) Nothing in this Act shall apply to any church, temple, mosque or other place of public worship.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

"Chairman of Municipal Council" means the Chairman of a Municipal Council appointed under Madras Act IV of 1884,[1] or other Act relating to district municipalities in the Presidency of Fort St. George for the time being in force :

"Magistrate" means a Magistrate appointed under the Code of Criminal Procedure :[2]

"building" includes any house, hut, shed or roofed enclosure.

No enclosed place or building with area of five hundred square feet to be used for public resort without a license.

3. Within any area in which this Act is in force, no enclosed place or building, whether permanent or temporary, having an area of five hundred square feet or upwards, shall be used for public resort or entertainment, unless a license has been previously obtained in the manner hereinafter provided.

Application for license : what it must contain.

4. When any person desires to obtain a license to use any enclosed place or building for public resort or entertainment, or to construct any enclosure or building for such purpose, he shall send an application to the authority named in section 5, setting forth the name of the owner of the place or building, its situation, size and description, the material of which the enclosure or building is made or proposed to be made, whether it is, or is proposed to be, permanent or temporary, and the purpose for which it is proposed to be used.

Authority to whom application should be made.

5. Such application shall be made to the Chairman of the Municipal Council, if the enclosed place or building is within a municipal town, and in every other case to any Magistrate having jurisdiction over the local area in which the place or building is situated.

The authority shall inspect and may require addition or alteration to place or building.

6. Upon the receipt of any such application, the authority to whom application is made shall inspect the place or building in respect of which a license is required, and may call on the applicant, by notice in writing, to make any alteration or addition in the material or arrangement of the enclosure or building, or in the precautions for the safety of the public to be assembled therein, and may refuse to grant a license until the alteration or addition is made.

---

[1] Printed, *supra*.
[2] *See* now Act V of 1898, General Acts, Vol. V.

7. If the authority is satisfied— *When authority to grant license*

(*a*) that the enclosed place or building may safely be used for the purpose of public resort or entertainment proposed,

(*b*) that no objection, arising from its situation, ownership or the purpose proposed exists,

he shall give to the applicant a written license, signed by him, specifying the enclosure or building and the purpose for which it is to be used. Such license shall be in such form and subject to such fee and conditions as the Governor in Council may from time to time by rule direct.

If the authority is not satisfied as aforesaid he may refuse to grant a license, recording his reasons for refusal in writing.

8. Every license granted under this Act shall state the period for which it is to continue in force and shall cease to be in force on the expiration of that period. *License to state period for which it is to be in force*

9. Any authority granting a license under this Act may, for reasons recorded in writing, revoke or suspend the same when he has reason to believe— *Revocation or suspension of license*

(*a*) that the license has been fraudulently obtained,

(*b*) that the enclosed place or building has been used for other purposes of public resort or entertainment than that for which the license was granted,

(*c*) that the place or building can no longer be safely used for the purpose for which the license was granted.

10. (*1*) Any applicant for a license under this Act may appeal from any order made under section 6, 7 or 9, unless such order has been made by the Magistrate of the district. *Appeal against order under section 6, 7 or 9*

(*2*) The appeal shall be made within thirty days from the day on which the applicant received the order appealed against.

(*3*) In a municipal town the appeal shall lie to the Municipal Council, and in every other local area to the Sub divisional Magistrate, or, if the original order was made by a Sub-divisional Magistrate, to the Magistrate of the district.

(*4*) The appellate authority shall have the same power to inspect and to require alteration or addition in the enclosed place or building as the authority to whom application is made under section 5, and may either grant or withhold the license or make such other order as it thinks fit.

11. It shall be lawful for any Magistrate or officer of Police in charge of a station or of higher rank than head constable to enter at any time any enclosure or building for which license is required under this Act, to inspect the license if any has been issued, and, if there is no license or if the conditions of the license are not observed, and if he sees reason to apprehend imminent danger to the public, to prevent the further use of such enclosure or building as a place of public resort or entertainment. *Power to enter place of public resort to inspect license or to prevent further use.*

District Magistrate may revise any proceedings under this Act.

12. The District Magistrate may call for and examine the record of any proceeding taken under this Act, may call for any report in connection therewith, may make or cause to be made any further inquiry, and may pass any order which the authority holding the proceeding might have passed.

Penalties.

13. Every person who, having the immediate control of any enclosed place or building, permits it to be used for public resort or entertainment without having obtained a license, or, having obtained a license under this Act, permits such use in contravention of any of the conditions of such license, shall be liable, on conviction before a Magistrate, to fine which may extend to five hundred rupees.

Power to make rules

14.[1] The Governor in Council may, at any time after the passing of this Act, and from time to time, make rules consistent with this Act, for carrying out the purposes thereof, and may amend or cancel the same. All such rules shall be published in the Fort St. George Gazette, and shall come into force on the day on which they are so published or on such later date as may be specified in the notification publishing them.

THE MADRAS CITY POLICE ACT, 1888.

CONTENTS.

---

[1] For rules under this section, *see* Madras List of Local Rules and Orders, Vol. II.

SECTIONS

SECTIONS.

55. Magistrate may order animal to be destroyed or sent to infirmary.
56. Animals sent to infirmary may be detained and shall be removed after notice.
57. Power to sell such animals in default of payment of charges, etc.
58. Power of Magistrate to order delivery of animal.
59. Costs of inquiries.
60. Stray animals to be impounded.
61. Power of Police on the occasion of fire.
62. Cost of establishment, etc., for extinguishing fire.
63. Penalty for wilful trespass.
64. Penalty for being found armed between sunset and sunrise, etc.
65. Penalty for possession of property believed to have been stolen.
66. Penalty for buying or taking pledge from a child.
67. Penalty for introducing spirits, etc., into barracks or on board vessels of war.
68. Penalty for introducing spirits into hospitals.
69. Penalty for carrying weapon without authority.
70. Penalty for harbouring deserters from vessels.
71. Penalty for certain offences in public street—
    (i) Rash or negligent driving ;
    (ii) Causing obstruction by negligence in driving cattle ;
    (iii) Driving, etc., elephant or camel without Commissioner's permission ;
    (iv) Driving, etc., without lights ;
    (v) Driving, etc., otherwise than on the near or left side of road ;
    (vi) Driving, etc., vehicles without springs otherwise than on side of roads ;
    (vii) Driving, etc., animal or vehicle on foot-way ;
    (viii) Permitting cattle or vehicle to be under control of child ;
    (ix) Leaving vehicle or cattle without due control ;
    (x) Exposing for show animals or vehicles, making or repairing vehicle, etc. ;
    (xi) Obstructing thoroughfare ;
    (xii) Letting loose horses or ferocious dogs ;
    (xiii) Conveying article which projects more than five feet ;
    (xiv) Flying a kite, wantonly frightening horses, etc. ;
    (xv) Playing music, beating tom-tom, etc. ;
    (xvi) Affixing bills or defacing walls ;
    (xvii) Bathing in public street or aqueduct ;
    (xviii) Intruding on or fouling bathing-place ;
    (xix) Using indecent or threatening language ;
    (xx) Soliciting for prostitution ;
    (xxi) Begging.

SECTIONS

72 Penalty for gambling or cock-fighting in street, etc
73 Penalty for committing nuisance in street
74 Penalty for lighting bonfire, discharging fire-arm, fire-work, etc, in or near street
75 Penalty for drunkenness or riotous or indecent behaviour in street, etc
76 Penalty for breach of conditions of licenses
77 Fee for licenses
78 Power to make bye laws
79 Bye laws to be published in English and Vernacular
80 Penalty for breach of bye law
81 Limitation of actions
82 Saving of penalty provided by other law

MADRAS ACT III OF 1888 [1]

[THE MADRAS CITY POLICE ACT, 1888]

[12th April, 1888, and 26th June, 1888]

An Act to regulate the Police of the City of Madras

WHEREAS it is expedient to amend and consolidate the provisions of the laws for regulating the Police of the City of Madras, It is enacted as follows — Preamble

1. (*1*) This Act may be cited as the Madras City Police Act, 1888 Short title

(*2*) It extends to the whole of the City of Madras as defined in section 3 Local extent.

(*3*) * * * * * * * * * [2]

2. [*Enactments repealed*] *Rep by the Repealing and Amending Act, 1901 (XI of 1901)*

3. In this Act, unless there be something repugnant in the subject or context,— Interpretation clause

"City of Madras" includes all places within the local limits of the ordinary original jurisdiction of the High Court of Judicature of Madras "City of Madras"

"Commissioner" means the Commissioner of Police for Madras appointed under section 5 'Commissioner'

"conviction" means the conviction of the accused person before a Presidency Magistrate 'Conviction'

"imprisonment" means imprisonment of either description as defined in the Indian Penal Code [3] "Imprisonment." of 18 0

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 8th November, 1887, p 17, for Report of the Select Committee, *see ibid* dated 31st January, 1888, p 1, for Proceedings in Council, *see ibid* dated 29th November, 1887, p. 2, and *ibid*, dated 27th March, 1888 p 8

[2] The words "It shall come into force at once" were repealed by the Repealing and Amending Act, 1901 (XI of 1901)—*see* the Third Schedule, Part III

[3] Printed, General Acts, Vol. I

"Common gaming-house." "common gaming-house" means any enclosure, room or place in which cards, dice, tables or other instruments of gaming are kept or used for the profit or gain of the person owning, occupying, using or keeping such enclosure, room or place, whether by way of charge for the use of instruments of gaming or of the enclosure, room or place, or otherwise howsoever:

"Cattle." "cattle" includes horned cattle, horses, asses, mules, sheep, goats, swine, camels and elephants.

Police Superannuation Fund.

4. Nothing in this Act contained shall operate to deprive any person who on the first day of September, 1867, was a subscriber to the Town Police Superannuation Fund constituted under Act XIII of 1856 [1] of any of the privileges which he would have had under sections 18 and 19 of that Act.

Appointment and removal of Commissioner of Police.

5. The administration of the Police of the City of Madras shall be vested in an officer to be styled the Commissioner of Police for Madras, who shall from time to time be appointed by the Governor in Council of Fort St. George, and may be removed by the same authority:

Administration of Police employed at railway-stations, etc. may be vested in the Inspector-General of Police.

[2] Provided that the Governor in Council may, by notification in the Fort St. George Gazette, which he may cancel or vary, at any time direct that the administration of such of the Police within the City of Madras as are or may be employed at any railway-stations or any railway-premises or within the limits of any railway or part of any railway situated within the limits of the City of Madras, shall be vested in the Inspector-General of Police, and from and after the issue of such notification the power under this Act of the Commissioner and of his deputies or assistants in respect of such Police shall cease, and the Inspector-General of Police and under his control such officers as shall be appointed by the Governor in Council to be Superintendent or Assistant Superientendent of Railway Police, shall as regards such Police exercise all the powers of the Commissioner of Police under this Act, save that the power conferred on the Commissioner by section 10 shall, in respect of such Police, be exercised by the Inspector-General of Police alone.

Appointment and removal of Deputies or Assistants to the Commissioner.

6. The Government may, from time to time, appoint one or more Deputies or Assistants to the Commissioner, who shall be competent to perform any of the duties or exercise any of the powers assigned to that officer as Commissioner under his orders. Any Deputy or Assistant Commissioner may be removed by order of the Governor in Council.

Commissioner's powers as a Magistrate.

7.[3] The Commissioner shall by virtue of his office be a Presidency Magistrate, but shall exercise his powers as Magistrate subject to such orders as may from time to time be issued by the Governor in Council: Provided that he shall not exercise any powers under Chapters XVIII, XX or XXI of the Code of Criminal Procedure, 1882.[4]

---

[1] Repealed in the Madras Presidency by Mad. Act VIII of 1867, which was repealed by Mad. Act III of 1888.

[2] This proviso was added by s. 1 of Mad. Act III of 1898, *infra*. As to control by the Inspector-General of Police of the city police, *see* Mad. Act III of 1907, *infra*.

[3] For notification under this section, *see* Madras List of Local Rules and Orders, Vol. II.

[4] *See* now Act V of 1898, General Acts, Vol. V.

8. The Commissioner, his Deputies and Assistants, shall by virtue of their office be Justices of the Peace, but shall act as such only so far as may be necessary for the preservation of the peace, for the prevention of offences for the detection, apprehension and detention of offenders and for the performance of the duties assigned to the Commissioner by this Act

Commissioner and his Deputies and Assistants to be Justices of the Peace.

9. For the City of Madras there shall be a Police force which shall consist of such number of officers and men and shall be otherwise constituted in such manner as shall from time to time be ordered by the Governor in Council

Constitution of Police force

10. The Commissioner may, from time to time, subject to the control of the Governor in Council, frame orders and regulations for the general government of the force

Rules for the government of the force to be made by the Commissioner subject to the control of Government

11. The appointment of the members of the force shall rest with the Commissioner and he may at any time, subject to the control of the Governor in Council, fine, suspend, reduce or dismiss any member thereof Provided that no fine shall exceed one month's pay

Commissioner to appoint and may fine, suspend reduce or dismiss members of the force

12. Every member of the force shall receive on enrolment a certificate in the following form under the signature of the Commissioner —

Members of the force to receive certificates of enrolment

FORM

"*A B* has been appointed a member of the Madras City Police force and is invested with the powers, functions and privileges of a Police officer"

By virtue of such certificate, he shall be vested with the powers functions and privileges of a Police officer and such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise ceases to be employed in the force

13. No member of the force shall be at liberty to resign his office, or to withdraw himself from the duties thereof, without the written permission of the Commissioner or until after the expiry of two months from the date of his giving to the Commissioner a notice in writing of his intention to do so, and every member of the force, who shall so resign or withdraw himself, shall be liable, at the discretion of the Commissioner, to forfeit the whole or part of any arrears of pay then due to him, and shall in addition be liable on conviction to fine not exceeding fifty rupees, or to imprisonment not exceeding two months, or to both

Members of force not to resign without leave or notice

14. Every member of the force shall, on ceasing to belong thereto, forthwith deliver up to the Commissioner, or to such person and at such time and place as shall be directed by the Commissioner, his certificate and all clothing, accoutrements and other articles supplied to him for the execution of his duty, and in default thereof shall be liable on conviction to fine not exceeding two hundred rupees, or to imprisonment not exceeding six months, or to both

Member ceasing to belong to the force to deliver up certificate, clothing accoutrements etc

And it shall be lawful for the Commissioner, or for any Magistrate, to issue his warrant to search for and seize all the clothing, accoutrements and other articles which shall not be delivered up, wherever the same may be found.

Penalty for neglect or violation of duty.

15. For neglect or violation of duty in his office, and for any breach of the orders and regulations framed as aforesaid, every member of the force, besides being suspended or dismissed from his employment as hereinbefore provided, shall be liable on conviction to fine not exceeding one hundred rupees, or to imprisonment not exceeding three months, or to both.

Police enrolled under Act XXIV of 1859 to have powers of Police in City of Madras.

16. Every Police-officer appointed under the provisions of Act XXIV of 1859 [1] may at any time be employed in the City of Madras, and whilst so employed shall have the same duties, powers and privileges, and be subject to the same authority, as Police-officers appointed under this Act.

Appointment of special constables.

17. The Commissioner may, of his own authority, appoint any able-bodied male person between the ages of eighteen and fifty-five to be a special constable to assist the Police-force on any temporary emergency.

Powers of special constables.

18. Every special constable so appointed shall have the same powers, privileges and protection, and shall be liable to perform the same duties, amenable to the same penalties, and subordinate to the same authorities, as the ordinary officers of police.

Penalty for special constable neglecting or refusing to serve.

19. If any person being appointed a special constable as aforesaid shall, without sufficient excuse, neglect or refuse to serve as such or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable on conviction to fine not exceeding fifty rupees.

Powers to quarter additional Police in disturbed parts of the City.

20. It shall be lawful for the Commissioner, with the sanction of the Governor in Council to be notified in the Fort St. George Gazette and in such other manner as the Government may direct, to employ any Police-force in excess of the ordinary fixed complement to be quartered in any street or in any part of the City of Madras which shall be found to be in a disturbed or dangerous state, or in any part of the said city in which, from the conduct of the inhabitants, he may deem it expedient to increase the number of Police. The inhabitants of the street or part of the city described in the notification shall be charged with the cost of such additional Police-force, or with such part thereof as Government may direct, and the Commissioner shall assess the proportion in which the amount is to be paid by the inhabitants, according to his judgment of their respective means.

Appointment of additional constables on application of private individuals.

21. On the application of any person, the Commissioner may appoint for such time as he shall think fit additional constables to keep the peace at any place within his jurisdiction at the charge of such person, but subject to the orders of the Commissioner: Provided that, on the expiry of one month from the receipt of notice in writing from the applicant or his representative, the Commissioner shall discontinue such constables.

---

[1] Printed, *supra*.

22. All sums of money payable under the last two preceding sections shall be recoverable by suit in any competent Court or by distress and sale of the goods of the defaulter under the warrant of a Magistrate

Recovery of moneys due.

23. Every Police officer shall, for the purposes of this Act be considered to be always on duty He shall not engage without the written permission of the Commissioner in any duty other than his duties under this Act It shall be his duty to use his best endeavours and ability to prevent offences and public nuisances, to preserve the peace to apprehend disorderly and suspicious characters, to detect and bring offenders to justice to take charge of all unclaimed property, to seize and impound stray cattle to collect and communicate intelligence affecting the public peace and promptly to obey and execute all orders and warrants lawfully issued to him and it shall be lawful for every Police officer, for any of the purposes mentioned in this section without a warrant to enter and inspect any drinking shop gaming house or other place of resort of loose or disorderly characters

Duties of Police officers

24. Any Police officer may arrest without a warrant any person committing in his view any offence made punishable by this Act

Police officer may arrest without warrant on view of offence

25. Whoever commits an offence affecting the person or property of another may, if his name and address be unknown, be apprehended by the person injured or in charge of the property concerned, or by any person acting in aid of such person, and may be detained until he give his name and address and satisfy such person that the name and address so given are correct, or until he can be delivered into the custody of a Police officer

Apprehension of offenders by private individual

26. Any Police officer above the rank of constable having reasonable ground to suspect that stolen property is concealed or lodged in any dwelling-house or other place, and is likely to be removed before a search warrant can be obtained, may search such house or place subject to the general provisions in the Code of Criminal Procedure, 1882,[1] relating to searches

Powers to search for stolen property in certain cases without warrant

27. Any Police officer may seize any property or thing which may be found in the possession of any person, where the possession by such person of such property or thing creates a reasonable suspicion of the committal of an offence, and such seizure shall be forthwith reported to the Commissioner, who shall thereupon make such order respecting the custody or production of the property as he shall think proper

Seizure of property regarding which an offence is suspected

28. Any officer of Police may deliver to any pawnbroker, dealer in second-hand property or worker in metals a list of any property believed to have been stolen, and thereupon it shall be the duty of such pawnbroker, dealer or worker as aforesaid, upon any article answering the description of any of the property set forth in any such list being offered him in pawn, for sale, or otherwise, to inquire the name and address of the party offering such article, to seize and detain the article, and forthwith to communicate to the nearest

Pawnbrokers, etc, to report stolen property if tendered for pawn or sale

[1] *See* now Act V of 1898 Printed, General Acts, Vol. V

police-station the fact of such article having been offered and such name and address as may be given by the party offering it. Any pawnbroker, dealer or worker as aforesaid failing to comply with the requirements of this section without reasonable excuse shall be liable on conviction to fine not exceeding fifty rupees for every such offence. Such pawnbroker, dealer or worker as aforesaid may also detain any person offering such article as aforesaid pending the arrival of the Police.

Power to fix periods within which stray dogs may be killed.

29. The Commissioner may, by order in writing, to be affixed at the principal police-stations and also to be published in some public newspaper, appoint, from time to time, certain periods within which any dogs found straying and unmuzzled may be destroyed.

Power to take charge of, and deliver to party entitled to, moveable property under two hundred rupees in value of persons dying intestate.

30. Whenever any person dies intestate leaving moveable property within the City of Madras under two hundred rupees in value, such property may be taken charge of by the Police, and it shall be lawful for the Commissioner to order the said property to be delivered, without requiring the production of any probate, letters of administration, certificate or other such conclusive evidence of title and upon such terms as he may think fit, to any person who may appear to him to be entitled thereto ;[1] and such delivery shall be a full discharge to the Commissioner, and to the Secretary of State for India, from all liability in respect of such property.

Certain provisions of Code of Criminal Procedure, 1882, to apply.

31. The provisions of sections 523, 524 and 525 of the Code of Criminal Procedure, 1882,[2] shall, as nearly as may be practicable, apply to all property X c seized or taken charge of by the Police.

Commissioner to keep standard weights and measures.

32. The Commissioner shall keep in his office such standard weights and measures [3] as may be from time to time prescribed or declared to be correct by the Governor in Council ; and weights and measures shall be held to be false when they do not agree with such standards ; and, on conviction being had under Chapter XIII of the Indian Penal Code,[4] the weights and measures XLV which formed the subject-matter of the charge shall be forfeited and destroyed.

Power of Police to enter shops to inspect weights, etc.

33. Any Police-officer above the rank of constable may enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighing or measuring kept or used therein, and may seize any weight, measure or instrument for weighing or measuring which he may have reason to believe is false.

---

[1] As to saving of this provision from the operation of the general succession law, *see* the Administrator General's Act, 1913 (III of 1913) s. 55. General Acts, Vol. VII.

[2] *See* now Act V of 1898, printed, General Acts, Vol. V.

[3] As to standard measures, *see* the Measures of Length Act, 1889 (II of 1889), s. 7, printed General Acts, Vol. IV.

[4] Printed, General Acts, Vol. I

34. No enclosed place or building having an area of five hundred square feet or upwards shall be used for public entertainment or resort without a license from the Commissioner

Places of public resort to be licensed

35. No enclosed place or building shall be used as an eating-house, coffee house, boarding-house, lodging-house, hotel, tavern, wine, beer or spirit shop, arrack or toddy shop, gymnasium or fencing school, or for the sale or consumption of any intoxicating drug or liquor,[1] without a license from the Commissioner Provided that nothing in this section shall apply to the sale in reasonable quantities of any drug or substance for medicinal purposes only, or to any gymnasium or fencing school of any educational institution controlled or recognized by the Governor in Council

Eating houses, hotels, wine shops, fencing schools, etc to be licensed

36. Licenses under the last two preceding sections may be granted by the Commissioner upon such conditions as he, subject to the control and direction of the Governor in Council, may prescribe, and for such period not exceeding one year as may be stated in the license Provided that, in regard to any liquor or drug for the sale of which a license is required under any law for the time being in force for the regulation of the excise-revenue, a license shall be granted by the Commissioner only to persons holding license under such law and shall have force only while such license subsists

Conditions for issue of licenses under sections 34 and 35

37. Whoever keeps or uses or permits to be kept or used any enclosed place or building requiring a license under section 34 or 35, without having obtained a license as therein required, shall be liable on conviction to fine not exceeding fifty rupees for every day on which such place or building is so used

Penalty for omission to procure license as required by section 34 or 35

38. The Commissioner may, by order in writing, authorize any Police-officer above the rank of constable, with such assistance as may be required, to enter and inspect any closed place or building licensed under section 36 at any time when it is open for the reception of persons resorting thereto, and may, after recording his reasons in writing, likewise authorize any such officer to enter and inspect any place not licensed which the Commissioner has reason to believe to be used contrary to the provisions of section 34 or 35

Power to enter and inspect licensed places and unlicensed places believed to be used contrary to the Act

39. The Commissioner may make rules for ensuring order and decency and for the public safety at all places of public entertainment or resort, and for regulating the times during which the places referred to in sections 34 and 35 shall be allowed to be open or used, and from time to time may rescind or alter such rules, and, in case of breach of any such rules or of the conditions of a license granted under section 36, may order such places to be closed, and while such order is in force such places so ordered to be closed shall be deemed to be unlicensed places

Power to make rule

40. A copy of any order passed under the last preceding section shall be served on the owner, occupier or keeper of any such place as aforesaid, and if

Service of copy of order on owner

---

[1] As to sale of intoxicating drugs or liquors, *see* the Mad. Abkari Act, 1886 (Mad Act I of 1886), Ch IV, printed, *supra*

thereafter he does or permits any act in disobedience to such order, he shall be liable on conviction to imprisonment not exceeding three months, or to fine, or to both.

Power to regulate processions in public streets, keep order, etc.

41. The Commissioner, or, subject to his orders, any Police-officer above the rank of head-constable, may, from time to time, as occasion may require direct the conduct of all assemblies and processions in the public roads, streets, or thoroughfares; prescribe the routes by which and the times at which such processions may pass; keep order in the public roads, streets, thoroughfares, landing-places and all other places of public resort, and prevent obstructions on the occasion of such assemblies and processions, and in the neighbourhood of places of worship during the time of public worship, and in any case when the roads, streets, thoroughfares, landing-places or places of public resort may be thronged or liable to be obstructed; and may license and regulate the use of music in the streets; and the Commissioner may prohibit any assembly or procession if he considers such prohibition to be necessary for the preservation of the public peace or public safety; and every person opposing or not obeying any order issued as aforesaid, or violating the conditions of any such license, shall be liable on conviction to a fine not exceeding one hundred rupees.

Commissioner may grant warrant to enter common gaming-house.

42. If the Commissioner has reason to believe that any enclosed place or building is used as a common gaming-house, he may by his warrant give authority to any Police-officer above the rank of a constable to enter, with such assistance as may be found necessary, by night or by day and by force if necessary, any such enclosed place or building, and to arrest all persons found therein, and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein, and to search all parts of such enclosed place or building and also the persons found therein.

Cards, dice, etc., found in search under last section to be evidence that place is a common gaming-house.

43. Any cards, dice, gaming table or cloth, board or other instruments of gaming found in any enclosed place or building entered or searched under the provisions of the last preceding section, or on any person found therein, shall be evidence that such enclosed place or building is used as a common gaming-house, and that the persons found therein were there present for the purpose of gaming, although no play was actually seen by the Police-officer or any of his assistants.

Proof of playing for stakes unnecessary.

44. It shall not be necessary, in order to convict any person of keeping a common gaming-house or of being concerned in the management of any common gaming-house, to prove that any person found playing at any game was playing for any money, wager or stake.

Penalty for opening, etc., a common

45. Whoever opens, keeps or uses or permits to be used any common gaming-house, or conducts or assists in conducting the business of any common gaming-house, or advances or furnishes money for gaming therein, shall

be liable on conviction to fine not exceeding five hundred rupees, or to imprisonment not exceeding three months, or to both

gaming house

Penalty for being found gaming in a common gaming house

46. Whoever is found gaming or present for the purpose of gaming in a common gaming house shall on conviction be liable to fine not exceeding two hundred rupees or to imprisonment not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein shall be presumed, until the contrary be proved, to have been there for the purpose of gaming

Instruments of gaming may be ordered to be destroyed on conviction

47. On conviction of any person for keeping a common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein may be destroyed by order of the Magistrate, and such Magistrate may order all or any of the other articles seized, or the proceeds thereof, to be forfeited

Indemnification of witnesses.

48. Any person who shall have been concerned in gaming contrary to this Act, and who shall be examined as a witness before a Magistrate on the trial of any person for a breach of any of the provisions of this Act relating to gaming, and who upon such examination shall make true and faithful discovery to the best of his knowledge of all things as to which he shall be so examined, and who shall thereupon receive from the said Magistrate a certificate in writing to that effect, shall be freed from all prosecutions under this Act for anything done before that time in respect of such gaming

Saving of games of skill.

49. Nothing in sections 42 to 48 of this Act shall be held to apply to games of mere skill wherever played

Payment of portion of fine to informer or Police

50. The Magistrate may direct any portion, not exceeding one-half, of any fine which shall be levied under sections 45 and 46 of this Act, and of the moneys or proceeds of articles seized and ordered to be forfeited under section 47, to be paid to informers or Police officers who may have assisted in the detection of the offender

Penalty for cheating at games

51. Whoever by any fraud or unlawful device or malpractice in playing at or with cards, dice or other game, or in bearing a part in the stakes, wagers or adventures, or in betting on the sides or hands of the players, or in wagering on the event of any game, sport, pastime or exercise, wins from any other person for himself or for any other or others any sum of money or valuable thing, shall be deemed guilty of cheating punishable under section 417 of the Indian Penal Code [1]

Brothels.

52. If the Commissioner has reason to believe that a house is used as a common brothel, or lodging-house for prostitutes, or disorderly persons of any description, he may summon the owner or tenant of the house, and on being satisfied that the house is so used and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it

Penalty for cruelty to animals.

53. Whoever cruelly beats, ill treats or tortures any animal, or causes any animal to be cruelly beaten, ill treated or tortured, shall be liable on

[1] Printed, General Acts, Vol. I.

conviction to fine not exceeding one hundred rupees, or to imprisonment not exceeding three months, or to both.

Appointment of infirmary for animals.

54.[1] The Governor in Council may from time to time appoint places to be infirmaries for the care and treatment of animals in respect of which an offence has been committed under the last preceding section, and may nominate fit persons to give certificates of discharge from such infirmary.

Magistrate may order animal to be destroyed or sent to infirmary.

55. Upon conviction of an offence under section 53 of this Act, a Magistrate may after due inquiry order that the animal in respect of which the offence has been committed shall either be destroyed or be sent for care and treatment to an infirmary; and the Magistrate may by his order direct that the reasonable expenses of such care and treatment, or any portion thereof, shall be paid by the owner of such animal.

Animals sent to infirmary may be detained and shall be removed after notice.

56. Every animal so sent for treatment may be detained at the infirmary until its discharge is authorized by a person nominated under section 54; and thereupon the person in charge of the infirmary shall give notice to the owner of the animal, requiring him to pay any sum due under the order of the Magistrate on account of the care and treatment of the animal, and to remove it from the infirmary within forty-eight hours from the service of such notice.

In default of payment by owner of charges, etc., animal may be sold.

57. If the owner shall refuse or neglect to pay the sum due and to remove the animal within the time specified in section 56, any Magistrate may direct that the animal be sold, and that the proceeds, deducting costs of sale, be applied to the payment of the sum due. Any surplus shall, on application within two months from date of sale, be paid to the owner of the animal, and in default of such application shall be forfeited to Government, but the owner shall not be liable to make any payment in excess of the net proceeds of such sale.

Magistrate may order delivery of animal to owner.

58. Any Magistrate may, at any time and upon such terms as he thinks fit, direct that any animal detained under the provisions of section 55 of this Act shall be delivered to the owner thereof.

Costs of inquiries.

59. All costs of inquiries under section 55 of this Act shall be recoverable in the manner provided for the levying of fines from such persons connected with the inquiry as the Magistrate may direct.

Stray animals to be impounded.

60. It shall be lawful for all persons to seize any cattle found straying upon any road, street or thoroughfare, or trespassing on any public or private grounds, and to confine such cattle in any pound appointed by the Commissioner, and if such cattle shall not be redeemed by the owners within ten days after being so impounded by paying to the person having charge of such pound the fee of eight annas for every goat, sheep or pig, and one rupee for every other animal, together, with the expenses of feeding the same while impounded, according to such daily rate as may from time to time be fixed by the Commissioner, such cattle shall be publicly sold, and the proceeds of such sale, after paying the said fee and the expenses of feeding, shall be

[1] For instance of a notification under the powers conferred by this section, *see* Madras List of Local Rules and Orders, Vol. II.

paid to the owners thereof, or, in default of their claiming such proceeds for the space of fifteen days after such sale, shall be credited to any fund applicable to Police purposes

Powers of Police on the occasion of a fire.

61. On the occasion of a fire in the City of Madras, the Commissioner or any Police officer above the rank of constable may—

(*a*) remove or order the removal of any persons who by their presence interfere with or impede the operations for extinguishing the fire or for saving life or property, and may close any street or passage in or near which any fire is burning ,

(*b*) by himself or those acting under his orders break into or through, or pull down, or use for the passage of hoses or other appliances any premises for the purpose of extinguishing the fire, doing as little damage as possible ,

(*c*) cause the mains and pipes of any district to be shut off so as to give greater pressure of water in the place where the fire has occurred ,

(*d*) call on the persons in charge of any fire engine to render such assistance as may be possible , and

(*e*) generally, take such measures as may appear necessary for the preservation of life and property

Any damage done on the occasion of fires by members of any fire brigade or by Police officers or their assistants in the due execution of their duties shall be deemed to be damage by fire within the meaning of any policy of insurance against fire But nothing in this section shall exempt any officer of Police or any member of any fire brigade from liability to damages on account of any acts done by him without reasonable cause

Cost of establishments etc for extinguishing fire to be defrayed by the Municipality

62. All charges on account of establishments and appliances for extinguishing fire maintained by the Police under the orders of the Governor in Council for general use, and all expenses incurred on the occasion of any fire by the Police in the execution of their duty, shall be paid by the Municipal Commissioners for the City of Madras upon the Commissioner certifying the amount thereof

Penalty for wilful trespass.

63. Whoever without reasonable excuse wilfully enters into or on any dwelling house or other building, or on any land or ground attached thereto, or on any boat or vessel, or on any ground belonging to the Governor in Council or appropriated to public purposes, shall be liable on conviction to fine not exceeding twenty rupees

Penalty for being found armed between sunset and sunrise

64. Whoever is found between sunset and sunrise—

(*1*) armed with any dangerous instrument with intent to commit an offence, or

(*2*) having his face covered or otherwise disguised with intent to commit an offence, or

intending to commit an offence, etc.

(3) in any dwelling-house or other building, or on board any vessel or boat, without being able satisfactorily to account for his presence there, or

(4) lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, being a reputed thief and without being able to give a satisfactory account of himself, or

(5) having in his possession without lawful excuse any implement of house-breaking,

may be arrested by any Police-officer without a warrant, and shall be liable on conviction to imprisonment for any term not exceeding three months.

Penalty for possession of property believed to have been stolen.

65. Whoever is found in possession or is proved to have been in possession of anything which there is reason to believe to be stolen property or property fraudulently obtained and for the possession of which he fails satisfactorily to account, shall be liable on conviction to fine not exceeding one hundred rupees, or to imprisonment not exceeding three months.

Penalty for buying or taking pledge from a child.

66. Whoever, without the knowledge and consent of the owner, buys any article from any child apparently under the age of fourteen years, or takes any article as a pawn, pledge or security for any sum of money lent or advanced to such child, shall be liable on conviction to fine not exceeding one hundred rupees.

Penalty for introducing spirits, etc., into barracks or on board vessels of war.

67. Whoever introduces, or attempts to introduce, into Fort St. George or into any military barracks, guard-room or encampment or on board any vessel of war belonging to Her Majesty any spirituous or fermented liquor or intoxicating drug or preparation, without the license in writing of the Commanding Officer and not intended for some person above the rank of non-commissioned officer, shall be liable on conviction to fine not exceeding one hundred rupees, or to imprisonment not exceeding two months, and such liquor, drug or preparation, and the vessels containing the same, shall be liable to be forfeited.

Penalty for introducing spirits, etc., into hospitals.

68. Whoever introduces, or attempts to introduce, without due permission into any public hospital, any spirituous or fermented liquor or intoxicating drug or preparation shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment not exceeding two months.

Penalty for carrying weapon without authority.

69. Whoever, not being a soldier or sailor in the Army or Navy of the Queen or a Police-officer or a member of a Volunteer corps, goes armed with any sword, spear, gun or other offensive weapon in any public place, unless by leave of the Commissioner, shall be liable to be disarmed by any Police-officer, and the weapon so seized shall be forfeited to Government unless redeemed by payment of such fine not exceeding ten rupees as the Commissioner may impose.

Penalty for harbouring deserters from vessels.

70. Whoever wilfully harbours or conceals any seaman or apprentice belonging to any vessel knowing or having reason to believe such seaman or apprentice to be a deserter, shall be liable on conviction to fine not exceeding one hundred rupees.

71. Whoever, in any public street, road, thoroughfare or place of public resort, commits any of the following offences, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment which may extend to one month — *Penalty for certain offences in public street*

i Whoever drives or rides any animal, or drives, drags or pushes any vehicle in a rash or negligent manner *Rash or negligent driving*

ii Whoever by negligence or ill usage in driving cattle causes any mischief or obstruction by such cattle *Causing obstruction by negligence in driving cattle*

iii Whoever drives, rides or leads any elephant or camel without permission from the Commissioner *Driving etc, elephant or camel without Commissioner's permission*

iv Whoever drives drags or pushes any vehicle at any time between half an hour after sunset and one hour before sunrise without a sufficient light [1] * * * * *Driving etc, without lights*

v Whoever without reasonable cause shall drive, drag or push any vehicle, otherwise than on the near or left side of the road *Driving, etc, otherwise than on near or left side of road*

vi Whoever drives, drags or pushes any vehicle without springs on any road or street except on the side thereof *Driving, etc, vehicles without springs oherwise than on side of road*

vii Whoever leads or rides any animal, or drives, drags or pushes any vehicle, upon any foot-way, or fastens any animal so that it can stand across or upon any foot-way *Driving etc, animal or vehicle on a foot way*

viii Whoever permits any cattle or vehicle to be under the control of a child under the age of twelve years *Permitting cattle or vehicle to be under control of child*

ix Whoever, being in charge of any vehicle or cattle, leaves it or them at such distance as not to have the same under due control *Leaving vehicle or cattle without due control*

x Whoever cleans or exposes for show, hire or sale any animal or vehicle, or makes or repairs any part of any vehicle except in cases of accident where repair on the spot is necessary, or trains or breaks any horse except in such places and at such times as may be allowed by the Commissioner *Exposing for show animal or vehicle, making or repairing vehicle or training horses except as allowed by Commissioner*

---

[1] The words "except when there may be sufficient moonlight to render such light unnecessary" were repealed by Mad. Act IV of 190[illegible], *infra*.

Obstructing thoroughfare. xi. Whoever causes any vehicle to remain or stand longer than may be necessary for loading or unloading, except at places appointed for the purpose by the Commissioner, or fastens any horse or other animal so as to cause obstruction; or in any way wilfully obstructs or causes obstruction to the free passage of any thoroughfare.

Letting loose horses or ferocious dogs. xii. Whoever negligently lets loose any horse, or suffers any ferocious dog to be at large without a muzzle, or sets on or urges any dog or other animal to attack, worry or put in fear any person or cattle.

Conveying article which projects more than five feet. xiii. Whoever conveys through the streets any article which projects more than five feet in front or behind the vehicle or vehicles on which it is placed.

Flying a kite, wantonly frightening horse, etc. xiv. Whoever flies a kite or wantonly frightens any horse, or in driving, dragging or pushing any vehicle creates a noise reasonably calculated to cause danger to the persons using the thoroughfare.

Playing music, beating tom-tom, etc. xv. Whoever beats a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any brass or other instrument or utensil, or plays any music except at such times and places as shall be, from time to time, allowed by the Commissioner.

Affixing bills or defacing walls. xvi. Whoever without the consent of the owner or occupier affixes or causes to be affixed any bill, notice or other paper upon any building, wall or fence, or writes upon or defaces or marks any such building, wall or fence.

Bathing in public street or aqueduct. xvii. Whoever bathes or washes himself or any other person, or any animal or clothing, except in a place set apart for such purpose.

Intruding on or fouling bathing-place. xviii. Whoever obstructs or incommodes a person bathing at any place set apart as a bathing-place by wilful intrusion, or by washing cattle or dogs at or near such place, or in any other way.

Using indecent or threatening language. xix. Whoever uses any indecent, threatening, abusive or insulting words or behaves in a threatening or insulting manner, or posts up or affixes or exhibits any indecent, threatening, abusive or insulting paper or drawing with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned.

Soliciting for prostitution. xx. Whoever solicits or molests any passenger for the purpose of prostitution.

Begging. xxi. Whoever begs or applies for alms, or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of extorting alms.

Penalty for cock-fighting in street. **72.** Whoever is found gaming with cards, dice, counters, money, or other instruments of gaming in any public street, place or thoroughfare, or publicly fighting cocks, or present as a spectator of such gaming or cock-fighting, shall be liable on conviction to fine not exceeding fifty rupees, *or* to imprisonment

not exceeding one month, and such instruments of gaming and money shall be forfeited

73. Whoever in or by the side of or near to any public street, thoroughfare, or place of public resort, wilfully and indecently exposes his person, or commits a nuisance by easing himself, and whoever having the care or custody of any child under seven years of age omits to prevent such child from committing a nuisance as aforesaid, shall be liable on conviction to fine not exceeding fifty rupees

Penalty for committing nuisance in street

74. Whoever, except at such times and places as the Commissioner may allow, in or near any street, road or thoroughfare lights any bonfire, sets fire to or burns any straw or other matter, discharges any fire arm or air gun, lets off or discharges any firework, or sends up any fire balloon, or permits such act to be done in premises over which he has control, shall be liable on conviction to fine not exceeding fifty rupees In the event of any such act being done within any private premises, the person having the immediate control of such premises shall be deemed to have permitted the act, unless he can prove that the act was committed without his knowledge

Penalty for lighting bonfire burning a straw, discharging fire arm, etc. in or near any street.

75. Whoever is found drunk and incapable of taking care of himself, is guilty of any riotous, disorderly or indecent behaviour in any street or thoroughfare, in any place of public amusement or resort, or on board any passenger boat or vessel, and whoever is guilty of any violent, disorderly or indecent behaviour in any Police court, office, or station, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment not exceeding one month, or to both

Penalty for drunkenness or riotous or indecent behaviour in street, etc

76. For any breach of any of the conditions of a license granted under this Act the offenders shall be liable on conviction to fine not exceeding one hundred rupees, and such fine may be recovered from the person licensed notwithstanding that such breach may have been owing to the default or carelessness of his servant or agent in charge of the shop or place Any person so convicted shall also be liable to the forfeiture of his license at the discretion of the Commissioner

Penalty for breach of conditions of licenses.

77. For every license or permission granted under this Act, the Commissioner may levy such fee not exceeding two rupees as may from time to time be fixed by the Governor in Council[1]

Fee for license

78. The Governor in Council may make bye-laws[2] consistent with this Act for more effectually carrying out the objects thereof and for the preservation of order, and may from time to time repeal, alter or amend any such bye-law

Power to make bye laws.

79. Every bye law shall be published in the Fort St George Gazette in English, Tamil, Telegu and Hindustani, and no bye-law shall have effect until the expiration of one month from the date of its first publication in the Fort St George Gazette

Bye laws to be published in English and Vernacular

[1] For notification fixing scale of fees, *see* Madras List of Local Rules and Orders, Vol II.

[2] For bye-laws under this section, *see* Madras List of Local Rules and Orders, Vol. II.

Penalty for breach of bye-law.

80. For any breach of any such bye-law the offender shall be liable on conviction to fine not exceeding ten rupees or to imprisonment not exceeding one week.

Limitation of actions.

81. On account of anything done under the provisions of this Act, no action shall be brought after the expiration of six months, and no prosecution shall be instituted after the expiration of three months, from the date on which the act complained of shall have been committed. And no action shall lie in respect of any act on account of which a criminal prosecution has been instituted and failed.

Saving of penalty provided by other law.

82. Nothing in this Act contained shall be construed to prevent any person from being liable under any other law to any other or higher punishment than is provided by this Act: Provided that no person shall be punished twice for the same offence.

SCHEDULE.

[*Repealed by the Repealing and Amending Act, 1901 (XI of 1901), Third Sch., Pt. III.*]

MADRAS ACT No. I OF 1889.[1]

[THE MADRAS VILLAGE COURTS ACT, 1888.]

[*1st December, 1888; 30th January, 1889.*]

An Act to consolidate and amend the law relating to the Courts of Village Munsifs in the Presidency of Fort St. George.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the courts of village munsifs in the Presidency of Fort St. George; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called "The Madras Village Courts Act, 1888," and shall come into force at once except that clauses (*2*) to (*8*), both inclusive, of section 9 shall only come into force under an order by the Governor in Council provided for in clause (*1*) of that section.

Local extent.

(*2*) It extends to the territories subject for the time being to the Governor in Council of the Presidency of Fort St. George, except the Scheduled Districts as defined in Act No. XIV of 1874[2], and the town of Madras:

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement dated 20th December, 1887, p. 13; for Report of the Select Committee, *see ibid*, dated 15th May, 1888, p. 1; for Proceedings in Council, *see ibid*, dated 24th January, 1888, p. 1, and *ibid*, dated 13th November, 1888, p. 14.

[2] The Scheduled Districts Act, 1874, General Acts, Vol II.

Provided that the Governor in Council may by notification in the *Fort St George Gazette* from time to time withdraw any village or area from its operation and cancel such notification

2 [*Enactments repealed*] *Repealed by section* 3 (2) *of the Repealing and Amending Act, 1901* (*XI of 1901*)

Application of Act to suits or decrees pending

3. All suits pending in the courts of village munsifs at the time of this Act coming into force shall be deemed to have been instituted under this Act, and all decrees passed by village munsifs before such date may be executed under the provisions hereinafter contained relating to execution of decrees passed under this Act

Procedure for suits and decrees pending in area withdrawn from Act

4 When any village or area is withdrawn from the operation of this Act, all suits pending in a village court therein shall be heard and determined, and all decrees passed by such court and remaining unexecuted shall be executed by the civil court which, if the suit were about to be instituted, would have jurisdiction to try it

Such suits shall be tried and such decrees shall be executed as suits instituted in, and decrees passed by, such civil court

Interpretation clause

5 In this Act, unless there be something repugnant in the subject or context—

'Village.' " Village " *means in a permanently settled estate a local area for which* at the passing of this Act there is a village munsif's court constituted under Madras Regulation IV of 1816[1] or for which a village court has been established under this Act, and elsewhere a local area recognized by Government from time to time as a village for purposes of collecting the land revenue

'Village munsif.' " Village munsif " means the judge of the court of a village munsif established under this Act

"Village court." " Village court " shall include a bench constituted under section 9

'District Judge' and 'District Munsif' " District Judge " or " District Munsif " means the District Judge or District Munsif within the local limits of whose jurisdiction the village court is situate, [2][if the village is not situated within the local limits of the jurisdiction of any District Munsif, the Subordinate Judge or if there be no Subordinate Judge, the District Judge within the local limits of whose jurisdiction the village is situated shall be deemed to be the District Munsif for the purposes of this Act]

CHAPTER II

Establishment and Constitution of Village Courts

Establishment of village courts.

6 The Governor in Council may from time to time by order to be notified in the district gazette—

(1) group two or more villages and establish one village court for them in lieu of the several village courts previously existing therein,

---

[1] Repealed by the Repealing and Amending Act, 1901, s. 3

[2] This sentence was added by section 3 of the Madras Village Panchayats Regulation and the Madras Village Courts Act Amendment Act, 1904 (Mad Act IV of 1904), *infra*

(2) constitute divisions in any village, and establish a separate village court for each of such divisions in lieu of the village court previously existing in such village ;

(3) establish a new village court for any specified area.

A village court established under this Act shall be held before a village munsif appointed or a bench of more than one judge constituted as hereinafter provided.

Appointment of village munsif.

7. Village munsifs shall be appointed by the Collector of the district subject to such rules as the Governor in Council may from time to time prescribe ; provided that no person not residing within the village shall be eligible for that office.

Suspension or removal of village munsif.

8. The Collector of the district may suspend or remove a village munsif for incapacity, neglect of duty, misconduct or other just and sufficient cause, and shall do so, on a requisition passed by the District Judge for like cause appearing in the judicial proceedings of a village munsif.

From every order suspending or removing a village munsif, an appeal may be made within three months to the Board of Revenue, if the order was passed by the Collector without orders from the District Judge, or to the High Court if passed upon such orders. The decision of the Board of Revenue or High Court as the case may be on all such appeals shall be final.

Provisions concerning benches—their application to any village by notification.

9. (*1*) The Governor in Council may, by order to be notified in the district gazette, direct that the following clauses of this section be brought into force from any specified date in any village, or in the villages within any area, and may from time to time modify or cancel such order.

List to be maintained of persons qualified to serve on bench.

(*2*) For every village in respect of which such an order is in force, and subject to any rules which the Governor in Council may make on this behalf, the Collector shall prepare and maintain a list of the persons residing in the village and qualified to sit as members of a bench for the trial of suits brought under this Act. Such list shall be hung up in the court-house of the village munsif.

Either party to a suit may claim trial by bench.

(*3*) In any suit which may be instituted before the village court of any such village, the plaintiff in his plaint or the defendant in his answer, may claim that the suit shall be tried by a bench of three judges, and nominate as a member of such bench any person named in the list mentioned in clause (*2*) of this section ; provided that such person is not his servant, dependant, relative or tenant, or personally interested in the result of the suit.

Nomination of members of bench.

(*4*) When the plaintiff has nominated such a person in his plaint the defendant shall, by the summons, be requested to nominate one also. When the defendant has demanded a bench and nominated such a person, the plaintiff shall be required to nominate one also. When any person nominated to serve on a bench declines or is unable to act, the party who nominated him shall be required to make a fresh nomination.

After two clear days from the date of a requisition under this clause, if it has not been complied with, the village munsif shall himself select from the list a person to serve on the bench on behalf of the person so making default

(5) The village munsif shall summon the two persons nominated or selected as aforesaid to sit together with himself for the trial of the suit — Members of bench to be summoned by munsif.

(6) The village munsif shall be the president of such bench and shall regulate the procedure and issue all summonses, notices and the like in his own name, but the decree shall run in the name of all the three members of the bench If the members of the bench cannot agree, the opinion of the majority shall prevail — Procedure

(7) No person summoned under this section to serve on a bench shall be bound to sit for more than three days in any month, provided that every such person shall be bound to attend the trial of any case which has been commenced before him until its completion — Liability to serve on bench

(8) Whoever, being duly summoned under this section to serve on a bench, without reasonable excuse declines or omits to do so, shall on conviction before a Magistrate be liable to a fine not exceeding Rs 20 — Penalty for refusing or omitting to serve

10. The village munsif shall keep a register of suits preferred to the village court and shall write the proceedings of the court, and it shall be the duty of the village karnam, if so required, to assist in keeping such register and in writing the proceedings of the court — Village karnam to assist munsif in keeping register of suits and record of proceedings

11. It shall be the duty of the village servant usually employed in carrying messages to serve all summonses, notices, and orders issued under this Act and to act under the orders of the village munsif in seizing, selling and delivering moveable properties attached under this Act — Village servant to serve summonses, etc

12. It shall be competent to the Collector of the district, subject to the control of the Governor in Council, to appoint any person in lieu of, or in addition to, the village karnam, or the village servant mentioned in section 11, to perform the duties prescribed by sections 10 and 11, respectively. — Collector may appoint any person in lieu of, or in addition to, village karnam and village servant

---

CHAPTER III

Jurisdiction, Res Judicata and Limitation

13. The following are the suits which shall be cognizable by village courts (namely)—claims for money due on contract, or for personal property, or for the value of such property, when the debt or demand does not exceed in amount or value the sum of rupees twenty, whether on balance of account or otherwise: — Cognizance of suits by village courts

Proviso.

Provided that no action shall be brought in any such court—

(1) on a balance of partnership account unless the balance shall have been struck by the parties or their agents;

(2) for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will;

(3) for rent for land unless such rent be due upon a written contract signed by the defendant;

(4) by or against Government or public officers in their official capacity;

(5) by and against minors or persons of unsound mind.

Jurisdiction up to Rs. 200 with consent.

14. With the written consent of both parties executed before the court, a village court may hear and determine suits of the nature described in section 13, the amount or value of which shall not exceed Rs. 200.

Court in which suit to be instituted.

15. Subject to the provisions contained in section 16, every suit brought under this Act shall be instituted in the court of the village munsif within the local limits of whose jurisdiction all the defendants at the time of the commencement of the suit reside, or carry on business, or personally work for gain.

Suit in which court is personally interested.

16. No village munsif shall try any suit to which he is a party, or in which he is personally interested, or shall adjudicate upon any proceeding connected with, or arising out of, such suit. Every such suit or proceeding may be instituted in the court of the munsif of any village immediately adjoining.

Res Judicata.

17. No village court shall try any suit brought on a cause of action, which has been heard and determined by a court of competent jurisdiction, in a former suit, between the same parties, or those under whom they claim.

Suit to include whole claim.

18. Every suit instituted in a village court shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of such court.

Relinquishment of part of claim.

If a plaintiff omit to sue in respect of, or intentionally relinquish, any portion of his claim, he shall be precluded from bringing a fresh suit for or in respect of the portion so omitted or relinquished.

Incidental determination of matters not cognizable by village courts.

19. If in the decision of a suit cognizable by a village court under sections 13 and 15, it becomes necessary to decide incidentally any matter in dispute between the parties to the suit, concerning title to immoveable property, or the legal character of either of them, or of those under whom they claim, or the existence of any contract or obligation, which if it had been the immediate subject-matter of the suit, would not be cognizable under this Act by a village court, it shall be competent to the village court to decide such question of title, legal character, contract or obligation as far as may be necessary for the determination of such suit, but such decision shall not be evidence of such title, legal character, contract or obligation in any other action, though between the same parties or their representatives.

20. The provisions of the Indian Limitation Act, 1877 [1] shall apply to suits and applications under this Act Limitation.

Provided that no suit or application shall be entertained by a village court after the expiration of three years from the time when the right to sue or make the application first accrued Proviso

21. The District Munsif may, on the application of any of the parties, withdraw any suit from a village court and try the suit himself, as if it had been instituted in his court, or transfer it for trial to any other village court within the local limits of his jurisdiction Provided that any party applying to have a suit, withdrawn from a village court and tried by the District Munsif shall, before any such order of transfer is made, pay the amount of the fees payable under the Court Fees Act, 1870,[2] in respect thereof Transfer of suits

---

CHAPTER IV

OF THE INSTITUTION AND FRAME OF SUITS, RECOGNIZED AGENTS, THE ISSUE AND SERVICE OF SUMMONS ON PARTIES, ADJOURNMENTS AND CONSEQUENCES OF NON-APPEARANCE

22. Every suit under this Act shall be instituted by presenting a plaint to the village munsif together with as many copies thereof as there are defendants One copy shall be delivered or affixed as hereinafter provided together with the copy of the summons Suit to be commenced by plaint

23. The plaint shall be written in the language of the village and signed by the plaintiff, or, in his absence, by an agent duly authorized by him, and it shall contain the following particulars — Particulars to be contained in plaint.

(a) The name, description and residence of the plaintiff and defendant

(b) A concise statement of the cause of action and when it arose

(c) The relief prayed for, and the total amount or value of the claim

24. Any party to any suit before a village court may appoint by vakalat-nama any person to appear and plead for him, but it shall be competent to the village munsif, whenever he thinks it necessary for the ends of justice, to order the personal attandance of any of the parties to the suit, and if the party so ordered does not attend in person, he shall be subject to the same consequences as if he did not appear either in person or by an agent Appearance in person or by agent.

25. When the plaint has been duly presented, the village munsif shall cause the same to be registered, and shall, by a summons in writing, require the defendant to appear and answer the claim on a specified day The summons shall be served on the defendant personally, and a copy thereof delivered to him by the village servant usually employed in carrying messages, or by any other person appointed by the Collector under section 12 *Summons to defendant how served.*

---

[1] *See* now the *Indian Limitation Act, 1908 (IX of 1908), General Acts, Vol VI*

[2] General Acts, Vol II

Mode of service when defendant evades service.

26. If the village munsif is satisfied that the defendant is evading service of the summons, the village munsif may order that it be served upon, and a copy thereof delivered to, an adult male member of the family of the defendant residing with him, or that a copy thereof be affixed upon some conspicuous part of the house in which he generally resides.

Mode of service when defendant beyond local jurisdiction of court.

27. Whenever it may be necessary to serve the summons upon a defendant beyond the local jurisdiction of the village court, it shall be forwarded to the District Munsif, who shall cause it to be served as if it had been a summons issued by himself, and shall then return it to the village court, together with a report of such service. Such report shall be *primâ facie* evidence of the facts stated therein.

Procedure if defendant does not appear.

28. If a defendant does not appear in person or by agent on the day fixed, and it be proved that the summons was duly served, the village court may proceed *ex parte*.

If it is not proved that the summons was duly served, the village munsif shall issue a fresh summons.

Defendant can claim two days' notice of suit.

Every defendant may claim two clear days' notice of suit, and if the summons was not served in sufficient time to enable him to answer on the day fixed, the hearing shall be adjourned to a future day, of which written notice shall be given to defendant.

Process to be served at expense of party issuing.

29. Every summons served under this Act otherwise than by the village servant shall be served at the expense of the party on whose behalf it is issued; and the amount of fee leviable for such service shall be fixed from time to time by the Governor in Council, and shall be levied by the village munsif in such manner and subject to such rules as may be prescribed in that behalf by the Governor in Council.

Procedure where plaintiff does not appear and defendant does not admit claim or where summons not served through plaintiff's default.

30. If on the day fixed for the defendant to appear—

(1) neither party appears, or

(2) the plaintiff does not appear and the defendant appears and does not admit the claim, or

(3) the summons has not been served owing to the plaintiff's default and the defendant does not appear,

the suit shall be dismissed unless the village court otherwise directs.

Procedure where plaintiff does not appear and defendant admits claim.

31. If the plaintiff does not appear, but the defendant appears and admits the claim wholly or in part, the village court shall pass judgment against defendant in accordance with such admission, provided that, when only a part of the claim is admitted, the court may adjourn the hearing to a future day.

Setting aside order under section 30 or 31 on cause shown.

32. Whenever a suit is dismissed under clause (1) or clause (3) of section 30, the plaintiff may bring a fresh suit; and if within thirty days from the date of an order under clause (2) of section 30 dismissing the suit, or of a decree passed for only a part of the claim under section 31, the plaintiff satisfies the village court that he was prevented by any sufficient cause from appearing,

the court shall set aside the dismissal or the decree, and shall appoint a day for proceeding with the suit

Setting aside *ex parte* decree against defendant

33. Any defendant against whom a decree has been passed *ex parte* may, within thirty days from the date of executing any process for its enforcement, apply to the village court to set it aside, and if satisfied that the summons or notice was not duly served, or that the defendant was prevented by any sufficient cause from appearing, the court shall set aside the decree and shall appoint a day for proceeding with the suit

No decree to be set aside without notice to opposite party

34. No decree shall be set aside on any application under section 32 or section 33 unless notice has been served on the opposite party

---

CHAPTER V

Of the Hearing, Withdrawal or Compromise of Suits and of the Summoning and Examination of Witnesses

Procedure on appearance of both parties

35. When the defendant appears, the court shall ascertain from him whether he admits the claim made in the plaint If he admits the claim or if the suit be compromised, such admission or compromise shall be recorded in writing and signed by the parties, and the court shall pass a decree in accordance therewith If he does not admit the claim, he shall be required to state his objections either orally or in writing, and the court may, if it thinks fit, adjourn the case to enable him to file a written statement

Withdrawal of suit

36. If the plaintiff wishes to withdraw a suit, he shall signify the same in writing to the court, which shall strike the suit off the file, and no fresh suit shall be brought on the same cause of action

When suit may be settled by oath.

37. If either party is willing to let the suit be settled by the oath of the other, and such other party assents and takes the oath, the court shall give judgment according to such oath

Set off

38. The defendant may set-off any amount legally due to him by the plaintiff for which he could bring a suit in a village court If such set-off is established, the decree shall be for any sum which finally appears to be due to either party

Witnesses not present to be summoned.

39. When the defendant's statement has been made, the court shall proceed to examine the truth of the claim, and shall summon the witnesses cited by either party who are not present

Summons to witnesses how served

Interrogatories when to issue.

40. Any witness residing within the jurisdiction of the village court may be summoned verbally or in writing Any witness residing within five miles beyond the court's jurisdiction may be summoned in writing, and such summons shall be served through the village munsif within whose jurisdiction he resides If any witness resides more than five miles beyond the jurisdiction, the court may call on the parties to frame written interrogatories and shall forward such interrogatories, with a letter, to the village munsif within whose

jurisdiction the witness resides, and such munsif shall forthwith summon and examine the witness upon the interrogatories, and shall return his answers to the court in which the suit is pending.

Summons to appear and give evidence or produce document.

41. A summons may direct the party summoned either to appear and give evidence or to produce or cause the production of a document.

Exemption of certain women and other persons from personal appearance.

42. Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, persons exempted from personal appearance in court, and any person who, by reason of sickness or bodily infirmity, cannot attend without serious inconvenience, shall not be summoned; but when the evidence of any such person is necessary, the village court shall examine such person at his or her residence.

Examination of witnesses.

43. Witnesses shall be examined on oath or solemn affirmation, but it shall not be necessary for a village court to take down depositions of witnesses in writing.

Adjournment in view to amicable settlement or for other cause

44. If it appears likely that the parties will settle the matter amicably, or for any other sufficient cause, the village court may adjourn the hearing to a day to be fixed in the presence of the parties, or in cases in which the defendant does not appear, in the presence of the plaintiff. If, on such day, the parties or any of them fail to appear, the village court may proceed to dispose of the suit in one of the modes prescribed in that behalf by sections 30 and 31, or make such other order as it thinks fit.

CHAPTER VI.

OF THE DECREE AND ITS EXECUTION.

On conclusion of hearing, court to pass decree.

45. When the parties or their agents have been heard, and the evidence on both sides considered, the village court shall pass such decree as may seem just, equitable, and according to good conscience.

Contents of decree.

46. The decree shall contain the number of the suit, the names of the parties, the particulars of the claim, the names of the witnesses examined, the titles of the exhibits read, the decision thereon, and the reasons for such decision. It shall specify the sum of money adjudged, the moveable property to be delivered, the sum to be paid in default of delivery, and the amount of costs and by what parties and in what proportions such costs shall be paid.

The decree shall be dated on the day on which it is passed, and signed by the village munsif. When the suit has been heard by a bench, the decree shall be signed by the members of such bench concurring therewith. Each party shall be entitled to receive a copy of the decree upon application.

Decree may award interest or

47. In suits for money the village court may decree interest on the sum decreed not exceeding twelve per cent per annum from date of suit till date of payment.

When a village court decrees the payment of a sum of money, it may direct that it be paid by instalments, with or without interest at the above rate

order payment by instalments.

48. The decree shall be executed by the village court which passed it or by a village court or District Munsif to whom it is sent for execution under the provisions hereinafter contained

Court by which decree may be executed.

49. If the decree be for any specific moveable, it may be enforced by the seizure of the property, and its delivery to the decree-holder If the seizure of the property be not practicable, the decree shall be executed by enforcing payment of the sum decreed as an alternative

Decree for specific moveable how executed.

50. All money payable under a decree passed by a village court shall be paid to the decree holder, or his agent specially authorized in writing, in the presence of the village munsif whose duty it is to execute the decree, but if the decree is otherwise adjusted to the satisfaction of the decree holder, the nature of such adjustment shall be recorded in writing, and signed by him or his agent in the presence of, and attested by, such village munsif

Payment of money under a decree or other adjustment to be made or recorded in presence of munsif.

Such payment or adjustment shall be endorsed by the village munsif on the decree, and recorded in the register of suits mentioned in section 10

No payment under a decree, and no adjustment of a decree in whole or in part, shall be recognized unless it has been made or recorded in the manner prescribed by this section, or in the court of the District Munsif

51. Subject to the provisions of sections 66 and 67, no judgment-debtor shall be arrested and no immoveable property attached in execution of a decree of a village court

Judgment-debtor not to be arrested nor immoveable property attached.

52. On the application of the decree-holder, the village court shall attach any moveable property within his jurisdiction belonging to the judgment-debtor pointed out by the decree-holder, to the value of the sum payable under the decree, provided that the following properties shall not be liable to such attachment, *viz*,—

Attachment of moveable property

(*a*) the necessary wearing apparel and bedding of the judgment-debtor his wife, and children,

(*b*) tools of artizans, and, where the judgment-debtor is an agriculturalist, his implements of husbandry and such cattle and seed grain as may in the opinion of the court be necessary to enable him to earn his livelihood as such,

(*c*) books of account,

(*d*) stipends and gratuities payable to military and civil pensioners of Government, and political pensions,

(*e*) the salary due to a public officer or to any servant of a railway company or local authority, unless such salary exceeds twenty rupees monthly, in which case a moiety of it may be attached,

(*f*) the pay and allowances of persons to whom the Native Articles of War apply,

(*g*) the wages of labourers and domestic servants

jurisdiction the witness resides, and such munsif shall forthwith summon and examine the witness upon the interrogatories, and shall return his answers to the court in which the suit is pending.

Summons to appear and give evidence or produce document.

41. A summons may direct the party summoned either to appear and give evidence or to produce or cause the production of a document.

Exemption of certain women and other persons from personal appearance.

42. Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, persons exempted from personal appearance in court, and any person who, by reason of sickness or bodily infirmity, cannot attend without serious inconvenience, shall not be summoned; but when the evidence of any such person is necessary, the village court shall examine such person at his or her residence.

Examination of witnesses.

43. Witnesses shall be examined on oath or solemn affirmation, but it shall not be necessary for a village court to take down depositions of witnesses in writing.

Adjournment in view to amicable settlement or for other cause

44. If it appears likely that the parties will settle the matter amicably, or for any other sufficient cause, the village court may adjourn the hearing to a day to be fixed in the presence of the parties, or in cases in which the defendant does not appear, in the presence of the plaintiff. If, on such day, the parties or any of them fail to appear, the village court may proceed to dispose of the suit in one of the modes prescribed in that behalf by sections 30 and 31, or make such other order as it thinks fit.

CHAPTER VI.

OF THE DECREE AND ITS EXECUTION.

On conclusion of hearing, court to pass decree.

45. When the parties or their agents have been heard, and the evidence on both sides considered, the village court shall pass such decree as may seem just, equitable, and according to good conscience.

Contents of decree.

46. The decree shall contain the number of the suit, the names of the parties, the particulars of the claim, the names of the witnesses examined, the titles of the exhibits read, the decision thereon, and the reasons for such decision. It shall specify the sum of money adjudged, the moveable property to be delivered, the sum to be paid in default of delivery, and the amount of costs and by what parties and in what proportions such costs shall be paid.

The decree shall be dated on the day on which it is passed, and signed by the village munsif. When the suit has been heard by a bench, the decree shall be signed by the members of such bench concurring therewith. Each party shall be entitled to receive a copy of the decree upon application.

Decree may award interest or

47. In suits for money the village court may decree interest on the sum decreed not exceeding twelve per cent per annum from date of suit till date of payment.

When a village court decrees the payment of a sum of money, it may direct that it be paid by instalments, with or without interest at the above rate

Order payment by instalments.

48. The decree shall be executed by the village court which passed it or by a village court or District Munsif to whom it is sent for execution under the provisions hereinafter contained

Court by which decree may be executed.

49. If the decree be for any specific moveable, it may be enforced by the seizure of the property, and its delivery to the decree holder If the seizure of the property be not practicable, the decree shall be executed by enforcing payment of the sum decreed as an alternative

Decree for specific moveable how executed

50. All money payable under a decree passed by a village court shall be paid to the decree holder, or his agent specially authorized in writing, in the presence of the village munsif whose duty it is to execute the decree, but if the decree is otherwise adjusted to the satisfaction of the decree holder, the nature of such adjustment shall be recorded in writing, and signed by him or his agent in the presence of and attested by such village munsif

Payment of money under a decree or other adjustment to be made or recorded in presence of munsif.

Such payment or adjustment shall be endorsed by the village munsif on the decree and recorded in the register of suits mentioned in section 10

No payment under a decree, and no adjustment of a decree in whole or in part, shall be recognized unless it has been made or recorded in the manner prescribed by this section, or in the court of the District Munsif

51. Subject to the provisions of sections 66 and 67, no judgment-debtor shall be arrested and no immoveable property attached in execution of a decree of a village court

Judgment debtor not to be arrested nor immoveable property attached.

52. On the application of the decree-holder, the village court shall attach any moveable property within his jurisdiction belonging to the judgment-debtor pointed out by the decree holder, to the value of the sum payable under the decree, provided that the following properties shall not be liable to such attachment, *viz*,—

Attachment of moveable property

(*a*) the necessary wearing apparel and bedding of the judgment-debtor his wife, and children,

(*b*) tools of artizans, and, where the judgment-debtor is an agriculturalist, his implements of husbandry and such cattle and seed grain as may in the opinion of the court be necessary to enable him to earn his livelihood as such,

(*c*) books of account,

(*d*) stipends and gratuities payable to military and civil pensioners of Government, and political pensions,

(*e*) the salary due to a public officer or to any servant of a railway company or local authority, unless such salary exceeds twenty rupees monthly, in which case a moiety of it may be attached,

(*f*) the pay and allowances of persons to whom the Native Articles of War apply,

(*g*) the wages of labourers and domestic servants

How made if in possession of judgment-debtor.

53. If the property be in the possession of the judgment-debtor, it shall be attached by actual seizure, and the village munsif shall provide for its safe custody. It may be left in the custody of the judgment-debtor, upon sufficient security being given in writing for its production when required. On default the decree may be executed against the surety to the value of the property not produced.

How made if not in possession of judgment-debtor.

54. If the property be not in the possession of the judgment-debtor, the attachment shall be made by a written order prohibiting the person in possession of the property from giving it over to the judgment-debtor.

Debts how attached.

55. Debts and moneys due to the judgment-debtor shall be attached by a written order prohibiting the judgment-debtor from recovering the debt or receiving the sum of money, and the debtor from making payment thereof, until the further order of the village court. Nothing in this section shall be held to authorize a village court to attach or sell a debt charged on immoveable property.

Private alienation of property after attachment void.

56. When an attachment has been made by actual seizure, or by a written order, any private alienation of the property attached, whether by sale, gift, pledge or otherwise, and any payment of the debt to the judgment-debtor, during the continuance of the attachment, shall be void as against all claims enforceable under the attachment.

Investigation of claims to attached property.

57. If any claim be preferred to property attached in execution of a decree, the village court shall investigate the claim, and if it appears that the judgment-debtor has no saleable interest therein, such property shall be released from attachment.

Property to be sold not less than fifteen days after attachment, and sale to be proclaimed.

58. As soon as possible after attachment, the village court shall fix a day, not less than fifteen days from the date of attachment, for the sale of the property attached, and shall cause a written proclamation of the intended sale to be fixed outside his court, and such sale shall be further proclaimed by beat of drum previous thereto :

Proviso.

Provided that (1) with the consent in writing of the judgment-debtor, or (2) when the property seized is subject to speedy and natural decay, or (3) when the expense of keeping it in custody may exceed its value, the court may, after giving due notice by beat of drum, sell the attached property at any time within fifteen days from the date of attachment. In such case the court shall hold the sale-proceeds subject to the provisions hereinafter made for payment of moneys attached in execution of decrees.

Procedure in sale.

59. On the day fixed for the sale, the property shall be put up for sale by public auction in the presence of the village munsif, and sold to the highest bidder. The price shall be paid without delay, and in default the property shall again be put up to sale.

On payment of the purchase money, the court shall grant a receipt for the same, and the sale shall become absolute.

Any loss on resale shall, at the instance of either the judgment-creditor or judgment-debtor, be recoverable from the defaulter as if a decree had been passed against him for the same.

Power to adjourn sale.

60. Any sale advertised under this Act may at the discretion of the court be adjourned to a specified day, public notice thereof being given in the manner prescribed by section 58.

Village munsif and other officers not to bid for or buy property sold.

61. No village munsif or other officer having any duty to perform in connection with any sale under this Act shall, either directly or indirectly, bid for, or acquire any interest in, any property sold at such sale.

Stoppage of sale on tender of debt and costs.

62. Every sale of property under this Act shall be stopped if, before the lot is knocked down, the amount due under the decree and the costs attending the sale are tendered to the village munsif.

Division of proceeds of sale.

63. Out of moneys realized in execution, the cost of execution shall first be defrayed and then the amount due to the decree-holder. Any surplus which may remain shall be paid to the judgment-debtor.

Property actually seized to be delivered to purchaser.

64. When the property sold is one of which actual seizure has been made, the property shall be delivered to the purchaser.

In other cases how property delivered to purchaser.

65. When the property sold is in the possession of any person other than the judgment-debtor, or is a debt due by any person to the judgment-debtor, delivery thereof to the purchaser shall be made by a written notice to such person, prohibiting him from delivering possession of the property or paying the debt to any person except the purchaser, and whatever right the judgment-debtor had in such property or debt at the time of attachment shall vest in the purchaser.

Decree may be transmitted to District Munsif for execution.

66. Any decree passed by a village court may, on the application of the decree-holder, be transmitted for execution to the District Munsif, who may execute the same as if it were a decree passed by himself, or may transmit it for execution to the court of any other village in which the defendant is represented to have moveable property. Such court shall proceed as if the decree was passed by itself.

District Munsif may withdraw execution of any decree.

67. It shall be competent to the District Munsif to withdraw the execution of any decree from any village court, and to execute it himself, as if it were a decree passed by himself.

CHAPTER VII.

MISCELLANEOUS.

If on death of party to suit application is

68. If a plaintiff or a defendant die before decree is passed in the suit, the name of his legal representative may be entered in his place on the record, on the application of the opposite party or of such legal representative, but no

made, legal representative of deceased may be entered on record.

decree shall be passed against the legal representative of a deceased defendant beyond the value of the assets derived from him and not duly accounted for.

If no application made, suit to be dismissed.

69. If no such application be made within sixty days from the date of the death of the plaintiff or defendant, the suit shall be dismissed, and no fresh suit shall be allowed to be brought on the same cause of action.

If more than one plaintiff or defendant, suit to proceed at instance of or against survivor.

70. If there be more plaintiffs or defendants than one, and any of them die, and his representative is not joined as aforesaid, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants.

If decree-holder die his legal representative may be substituted.

71. If a decree-holder die before the decree has been fully executed, his legal representative may apply to the village court to substitute his name as the decree-holder in the room of the deceased, and if the court be satisfied, after giving notice to the judgment-debtor, that the applicant is the legal representative of the deceased, it shall substitute his name on the record as the decree-holder.

If judgment-debtor die, decree may be executed against his legal representative.

72. If a judgment-debtor die before the decree has been fully executed, it may be executed on the application of the decree-holder against the legal representative of the judgment-debtor, to the extent of assets derived from him and not duly accounted for.

Revision by District Munsif of village court's proceedings.

73. The District Munsif may, on a petition being presented within sixty days from the date of any decree or order of a village court by any party deeming himself aggrieved by such decree or order, set aside such decree or order on the ground—

of corruption, gross partiality or misconduct of the village court; or

of its having exercised a jurisdiction not vested in it by law, or otherwise acted illegally or with material irregularity; or

that the decree or order is clearly unjust or contrary to law;

and may pass such other decree or order as he thinks fit; provided that no decree or order of a village court shall be set aside without notice to the opposite party. Pending disposal of any such petition, the District Munsif may stay execution of the decree or order.

A petition under this section may be entertained after sixty days by the District Munsif if he is satisfied with the cause shown for the delay.

Except as provided in this section, every decree and order of a village court shall be final.

District Munsif may, and in certain

74. Whenever under section 73 the District Munsif sets aside a decree or order, he may report the case to the District Judge, and shall report every

case in which he sets aside a decree or order on the ground of corruption, gross partiality, or misconduct. cases shall, report to District Judge.

75. The High Court may, from time to time, prescribe forms for use in village courts and the returns which they shall be bound to submit. The District Judge or the District Munsif may at any time call for and inspect the registers and records of village courts. Power of High Court to prescribe forms and of District Judge and District Munsif to inspect records.

SCHEDULE

[*Rep by the Repealing and Amending Act, 1901* (*XI of 1901*), *s* 3 (2)]

MADRAS ACT No III OF 1889 [1]

[THE TOWNS NUISANCES ACT, 1889]

[*16th November, 1889, 23rd December, 1889*]

An Act to provide for the prevention and control of nuisances outside the Town of Madras.

WHEREAS it is expedient to amend Act XXIV of 1859[2] and to consolidate and improve the law relating to nuisances in places outside the Town of Madras, It is hereby enacted as follows — Preamble.

1. (*1*) This Act may be called the Towns Nuisances Act, 1889. Short title.

(*2*) Sections 1 and 2 of this Act extend to the whole of the Presidency of Fort St George. The remaining sections extend to all towns in the said Presidency which may have been or may hereafter be declared to be municipalities under Madras Act IV of 1884[3], or other Act of the same nature for the time being in force, and the Governor in Council may from time to time by notification[4] in the *Fort St George Gazette* extend such sections or any part or parts thereof permanently or for a time or for specified occasions only, from such date as may be specified in the notification, to any other local area in the Presidency of Fort St George, outside the limits of the Town of Madras, and may cancel or modify any such notification. Local extent

2. [*Enactments repealed*] *Repealed by the Repealing and Amending Act, 1901* (*XI of 1901*)

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 12th February, 1889, p 3, for Report of the Select Committee, *see ibid* dated 8th October, 1889, p 1, for Proceedings in Council, *see ibid*, dated 26th March, 1889, p 2, *ibid* dated 12th November, 1889 p 12.

[illegible] 1, *supra*.

[illegible] Rules and Orders, Vol. II.

Penalty for certain offences in public street.

3. Whoever in any public street, road, thoroughfare or place of public resort commits any of the following offences shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment of either description not exceeding eight days :—

Rash or negligent driving.

(1) Whoever drives or rides any animal, or drives, drags or pushes any vehicle, in a rash or negligent manner.

Causing obstruction by negligence in driving cattle.

(2) Whoever by negligence or ill-usage in driving cattle causes any mischief or obstruction by such cattle.

Driving, etc., otherwise than on near or left side of the road.

(3) Whoever without reasonable excuse and so as to cause danger or obstruction to any person shall drive, drag or push any vehicle otherwise than on the near or left side of the road.

Leaving vehicle or cattle without due control.

(4) Whoever, being in charge of any vehicle or cattle, leaves it or them at such a distance as not to have the same under due control.

Obstructing thoroughfare.

(5) Whoever causes any vehicle to remain or stand longer than may be necessary for loading or unloading except at places appointed for the purpose, or fastens any horse or other animal so as to cause obstruction or in any way wilfully obstructs or causes obstruction to the free passage of any thoroughfare.

Exposing goods so as to cause obstruction.

(6) Whoever exposes goods for sale so as to cause obstruction.

Letting loose horses or ferocious dogs.

(7) Whoever negligently lets loose any horse or suffers any ferocious dog to be at large without a muzzle or sets on or urges any dog or other animal to attack, worry or put in fear any person or cattle.

Begging.

(8) Whoever, so as to cause annoyance, begs or applies for alms or exposes or exhibits any sores, wounds, bodily ailment or deformity with the object of exciting charity or of extorting alms.

Depositing rubbish, stones, etc.

(9) Whoever without reasonable excuse throws or lays down any dirt, filth, rubbish, or any stones or building materials.

Gambling or cock-fighting in street.

(10) Whoever is found gaming with cards, dice, counters, money or other instruments of gaming or publicly fighting cocks or taking part in such gaming or cock-fighting.

Committing nuisances in street.

(11) Whoever wilfully and indecently exposes his person or commits a nuisance by easing himself, and whoever, having the care or custody of any child under seven years of age, omits to prevent such child from committing a nuisance as aforesaid.

Drunkenness or riotous or indecent behaviour.

(12) Whoever is found drunk and incapable of taking care of himself, or is guilty of any riotous, disorderly or indecent behaviour.

In case of conviction being had for an offence under clause (10) of this section, the instruments of gaming and money employed or displayed for the purpose of gaming shall be liable to forfeiture under orders of the court

Forfeiture of gaming instruments, etc

4. Whoever neglects to fence in or protect any well, tank or other dangerous place or structure, or,

Neglecting to fence in well, tank, etc

whoever causes any offensive matter to run from any house, factory, dung-heap or the like into the street—

Causing offensive matter to run from house, etc.

shall be liable on conviction to fine not exceeding fifty rupees or to imprisonment of either description which may extend to one month

5. Whoever cruelly beats, ill-treats, tortures, or drives, rides, or otherwise uses any animal in an unfit state to be so driven, ridden or used, or causes any animal to be cruelly beaten, ill-treated, tortured, or to be driven, ridden or used when unfit to be driven, ridden or used, shall be liable on conviction to fine not exceeding fifty rupees, or to imprisonment of either description not exceeding one month, or to both

Penalty for cruelty to animals.

6. Whoever opens, keeps or uses or permits to be used any common gaming house, or conducts or assists in conducting the business of any common gaming house, or advances or furnishes any money for gaming therein, shall be liable on conviction to fine not exceeding five hundred rupees or to imprisonment of either description not exceeding three months or to both

Penalty for opening, etc, common gaming house.

7. Whoever is found gaming or present for the purpose of gaming in a common gaming house shall on conviction be liable to fine not exceeding two hundred rupees or to imprisonment of either description not exceeding one month, and any person found in any common gambling house during any gaming or playing therein shall be presumed to have been there for the purpose of gaming

Penalty for being found gaming in common gaming house.

8. Any police-officer may arrest without a warrant any person committing in his view any offence made punishable by this Act

Police may arrest without warrant on view of offence.

9. If any magistrate, other than the head of a village, or officer of police not below the rank of Assistant [or Deputy[1]] Superintendent, has reason to believe that any enclosed place or building is used as a common gaming house, he may by an order in writing give authority to any police-officer above the rank of a constable to enter, with such assistance as may be found necessary, any such enclosed place or building, and to arrest all persons found therein and to seize all instruments of gaming and all moneys and securities for money and articles of value reasonably suspected to have been used or intended to be used for the purpose of gaming which are found therein, and to search all parts of such enclosed place or building and also the persons found therein

Magistrate, etc, may grant authority to enter common gaming house.

10. The District or Sub divisional Magistrate may from time to time cause to be notified by beat of drum or otherwise that dogs found straying

Destruction of stray dogs.

---

[1] The words "or Deputy" were inserted by section 4 of Mad Act III of 1909, *infra*.

within certain limits will be destroyed, and dogs found straying within such limits after such notification may be destroyed by any person in such manner as the District or Sub-divisional Magistrate may from time to time direct.

Act to form part of General Police Act.

11. Sections 3 and 4 of this Act shall be read with, and form part of, Act XXIV of 1859.[1]

SCHEDULE.

[*Rep. by the Repealing and Amending Act, 1901 (XI of 1901), Third Sch., Pt. III.*]

THE MADRAS SALT ACT, 1889.

CONTENTS.

CHAPTER I.

PRELIMINARY.

CHAPTER II.

THE APPOINTMENT OF OFFICERS.

CHAPTER III.

OF THE MANUFACTURE OF SALT.

PART I.—*General.*

---

[1] The Madras District Police Act, 1859, *supra*.

SECTIONS

PART II —*Of the Manufacture of Salt for Sale to Government*

PART III —*Of the Manufacture of Salt for general sale*

CHAPTER IV.

Manufacture and Refinement of Saltpetre.

Sections.

35. Manufacture of saltpetre without license illegal.
36. Commissioner may grant licenses.
37. Two kinds of licenses.
38. Fees for licenses.
39. Conditions of license.
40. Disposal of materials on cancellation or suspension of license.
41. Payment of duty on salt on cancellation or suspension of license.
42. Licensee to fence premises and store materials.

CHAPTER V.

Removal of Salt and Payment of Duty and Charges.

43. Salt not removable from factory except under permit and on payment of duty and other charges.
44. Weighment of salt removed.
45. Establishment of preventive stations.

CHAPTER VI.

Of the Powers of Public Officers for the Detection and Punishment of Offences against the Salt Law.

46. Magistrate may issue search-warrant on information.
47. When officer of Salt or other department may search without warrant.
    Procedure to be observed.
48. Search by head of village.
49. When offenders may be arrested and anything liable to confiscation seized without warrant.
50. Refusal to give name and residence.
51. Procedure in case of search.
52. Report of search or seizure.
53. Arrested person how to be dealt with.
54. Procedure by Police station-officer.
55. Procedure by inspector.
56. Bond and sureties of accused.
57. Procedure on breach of bond for appearance.
58. Inspector may summon suspected persons.
59. Salt-officer may summon witnesses.
60. Terms of summons.

CHAPTER VII.

PENALTIES.

CHAPTER VIII.

GENERAL PROVISIONS.

SCHEDULE.

[Repealed.]

MADRAS ACT No. IV OF 1889.[1]

[THE MADRAS SALT ACT, 1889.]

[21st November 1889 ; 30th December, 1889.]

An Act to consolidate and amend the law relating to the Salt-revenue in the Presidency of Fort St. George.

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to the salt-revenue in the Presidency of Fort St. George ; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title. **1.** This Act may be called the Madras Salt Act, 1889.

Extent. It extends to the whole of the Presidency of Fort St. George :

Proviso. Provided that the Governor in Council may, from time to time, by notification exempt [2] any local area from the operation of all or any of the provisions of this Act other than this section and section 2.

2. [*Enactments repealed.*] *Rep. by the Repealing and Amending Act, 1901 (XI of 1901).*

Interpretation-clause. **3.** In this Act, unless there be something repugnant in the subject or context,—

"Salt-revenue." (*a*) "salt-revenue" means revenue derived or derivable from any price, duty, fee, tax, fine, confiscation or payment imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to salt :

"Salt." (*b*) "salt" means chloride of sodium, and includes swamp salt, spontaneous salt, and salt or saline solutions made or produced from any saline substance or from salt-earth :

"Saline substance." (*c*) "saline substance" means any substance naturally containing salt:

"Salt-earth." (*d*) "salt-earth" means earth containing salt :

"Saltpetre." (*e*) "saltpetre" means nitrate of potash, and in any local areas which may be defined in this behalf from time to time by the Governor in Council by notification, shall include any or all kinds of carbonates, nitrates or sulphates of soda and potash specified in such notification :

"Manufacture." (*f*) "manufacture" includes excavation, collection, removal, preparation, steeping, evaporation, boiling or any one or more of those processes ; and also the separation of salt from any saline substance or from saltpetre :

"Circle." (*g*) "circle" means a local area from time to time constituted as such by the Governor in Council by notification [3] :

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 24th April, 1888, p. 19 ; for Report of the Select Committee, *see ibid*, Supplement, dated 16th April, 1889, p. 1 ; for Proceedings in Council, *see ibid* Supplement, dated-13th November, 1888, p. 18, *ibid* dated 12th November, 1889, p. 2.

[2] For notification exempting the Scheduled Districts of Ganjam, Vizagapatam and Godavari from the operations of the Act, from 1st August, 1890, *see* Fort St. George Gazette, 1890, Pt. I, p. 445.

[3] For notifications under this clause, *see* Madras List of Local Rules and Orders.

(*h*) "Inspector" means an officer in charge of a circle, and includes any officer who may be specially invested by Government with the powers of an Inspector under this Act — "Inspector"

[1](*i*) "salt factory" includes any place used or intended to be used for the manufacture of salt or for the storage or keeping of the same pending payment of duty, and all embankments, channels, reservoirs, lands, buildings and waste places situated within the limits thereof as defined from time to time by [2][the Commissioner], but does not include a warehouse appointed or licensed under the Sea Customs Act, 1878 [3] — "Salt factory"

(*j*) "salt-work" means any defined area within a salt-factory, which is used for the manufacture of salt and which is separately registered as such in the public accounts — "Salt work."

(*k*) "*contraband salt*" *means salt, saline substances, salt-earth or salt*-petre manufactured without license, or dealt with by any person in contravention of any enactment for the time being in force or of any order, permit or license issued thereunder, or of any rule made in pursuance thereof; — "Contraband salt"

but it shall not include salt-earth which has been merely excavated or collected, unless such salt-earth is found within the limits of any local area wherein such salt earth is declared by a notification of the Governor in Council to be contraband salt, nor shall it include sea-water

(*l*) "Commissioner" means the officer appointed by the Governor in Council under section 4, clause (*a*) — "Commissioner"

(*m*) "licensee" means a person to whom a license to manufacture salt or saltpetre is issued, and includes any person registered as the transferee of such license under the provisions hereinafter contained — "Licensee."

82 (*n*) "Magistrate" means a Magistrate appointed under the Code of Criminal Procedure[4] — "Magistrate"

(*o*) "imprisonment" means imprisonment of either description as defined
f 1860 in the Indian Penal Code[5] — "Imprisonment."

(*p*) "maund" means a maund of eighty-two and two-sevenths pounds avoirdupois weight — "Maund."

(*q*) "place" includes a house, building, shop, tent or vessel — "Place."

CHAPTER II

The Appointment of Officers

4. Notwithstanding anything contained in Regulations I[6] and II[6] of 1803, the Governor in Council may, from time to time, by notification— — Appointment of Commissioner.

(*a*) appoint an officer, who shall, either as a Member of the Board of

[1] For notifications under this clause, *see* Madras List of Local Rules and Orders
[2] These words were substituted for the words "the Governor in Council" by Mad Act VIII of 1914, *infra*.
[3] Printed, General Acts, Vol II
[4] See now Act V of 1898, General Acts, Vol. V
[5] Printed, General Acts, Vol I
[6] Printed *supra*.

MADRAS ACT No. IV OF 1889.[1]

[THE MADRAS SALT ACT, 1889.]

[*21st November 1889; 30th December, 1889.*]

An Act to consolidate and amend the law relating to the Salt-revenue in the Presidency of Fort St. George.

Preamble. WHEREAS it is expedient to consolidate and amend the law relating to the salt-revenue in the Presidency of Fort St. George; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. **1.** This Act may be called the Madras Salt Act, 1889.

Extent. It extends to the whole of the Presidency of Fort St. George:

Proviso. Provided that the Governor in Council may, from time to time, by notification exempt[2] any local area from the operation of all or any of the provisions of this Act other than this section and section 2.

2. [*Enactments repealed.*] *Rep. by the Repealing and Amending Act, 1901 (XI of 1901).*

Interpretation-clause. **3.** In this Act, unless there be something repugnant in the subject or context,—

"Salt-revenue." (*a*) "salt-revenue" means revenue derived or derivable from any price, duty, fee, tax, fine, confiscation or payment imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to salt:

"Salt." (*b*) "salt" means chloride of sodium, and includes swamp salt, spontaneous salt, and salt or saline solutions made or produced from any saline substance or from salt-earth:

"Saline substance." (*c*) "saline substance" means any substance naturally containing salt:

"Salt-earth." (*d*) "salt-earth" means earth containing salt:

"Saltpetre." (*e*) "saltpetre" means nitrate of potash, and in any local areas which may be defined in this behalf from time to time by the Governor in Council by notification, shall include any or all kinds of carbonates, nitrates or sulphates of soda and potash specified in such notification:

"Manufacture." (*f*) "manufacture" includes excavation, collection, removal, preparation, steeping, evaporation, boiling or any one or more of those processes; and also the separation of salt from any saline substance or from saltpetre:

"Circle." (*g*) "circle" means a local area from time to time constituted as such by the Governor in Council by notification[3]:

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 24th April, 1888, p. 19; for Report of the Select Committee, *see ibid*, Supplement, dated 16th April, 1889, p. 1; for Proceedings in Council, *see ibid* Supplement, dated 13th November, 1888, p. 18, *ibid* dated 12th November, 1889, p. 2.

[2] For notification exempting the Scheduled Districts of Ganjam, Vizagapatam and Godavari from the operations of the Act, from 1st August, 1890, *see* Fort St. George Gazette, 1890, Pt. I, p. 445.

[3] For notifications under this clause, *see* Madras List of Local Rules and Orders.

(h) "Inspector" means an officer in charge of a circle, and includes any officer who may be specially invested by Government with the powers of an Inspector under this Act "Inspector"

[1](i) "salt-factory" includes any place used or intended to be used for the manufacture of salt or for the storage or keeping of the same pending payment of duty, and all embankments, channels, reservoirs, lands, buildings and waste places situated within the limits thereof as defined from time to time by [2][the Commissioner], but does not include a warehouse appointed or licensed under the Sea Customs Act, 1878 [3] "Salt factory"

(j) "salt-work" means any defined area within a salt-factory, which is used for the manufacture of salt and which is separately registered as such in the public accounts "Salt work."

(k) "contraband salt" means salt, saline substances, salt-earth or saltpetre manufactured without license, or dealt with by any person in contravention of any enactment for the time being in force or of any order, permit or license issued thereunder, or of any rule made in pursuance thereof; "Contraband salt"

but it shall not include salt-earth which has been merely excavated or collected, unless such salt earth is found within the limits of any local area wherein such salt earth is declared by a notification of the Governor in Council to be contraband salt, nor shall it include sea-water

(l) "Commissioner" means the officer appointed by the Governor in Council under section 4, clause (a) "Commissioner."

(m) "licensee" means a person to whom a license to manufacture salt or saltpetre is issued, and includes any person registered as the transferee of such license under the provisions hereinafter contained "Licensee."

82 (n) "Magistrate" means a Magistrate appointed under the Code of Criminal Procedure[4] "Magistrate."

(o) "imprisonment" means imprisonment of either description as defined
1860 in the Indian Penal Code[5] "Imprisonment."

(p) "maund" means a maund of eighty-two and two-sevenths pounds avoirdupois weight "Maund".

(q) "place" includes a house, building, shop, tent or vessel "Place."

CHAPTER II

The Appointment of Officers

4. Notwithstanding anything contained in Regulations I[6] and II[6] of 1803, the Governor in Council may, from time to time, by notification— Appointment of Commissioner

(a) appoint an officer, who shall, either as a Member of the Board of

[1] For notifications under this clause, *see* Madras List of Local Rules and Orders
[2] These words were substituted for the words "the Governor in Council" by Mad Act VIII of 1914, *infra.*
[3] Printed, General Acts, Vol II
[4] *See* now Act V of 1898, General Acts, Vol. V
[5] Printed, General Acts, Vol I
[6] Printed *supra.*

Revenue or subject to the orders of the Board of Revenue or independently of the Board of Revenue, as the Governor in Council may direct, have the control of the administration of the Salt Department and of the collection of the salt-revenue; and

(b) withdraw from the Board of Revenue or the Collector of Land-revenue any or all of their or his powers in respect of the salt-revenue.

Appointment of Deputy and Assistant Commissioners and Inspectors.

5. The Governor in Council may, from time to time, appoint officers of the Salt Department subordinate to the Commissioner, under the designation of Deputy and Assistant Commissioners and Inspectors of Salt-revenue, or under such other designations as may seem fit, and may suspend, reduce, transfer or dismiss any officer so appointed.

The Governor in Council may delegate[1] any of his powers under this section to the Commissioner.

Subordinate officers.

6. The appointment of all other subordinate officers of the Salt Department shall, under such orders as the Governor in Council may, from time to time, prescribe, vest in the Commissioner, who may fine, suspend, reduce, transfer or dismiss any subordinate officer so appointed.

Delegation of powers by the Commissioner.

7.[1] The Commissioner may, from time to time, with the sanction of the Governor in Council, by notification, authorize any officer subordinate to him to exercise any of the powers conferred on him by this Act, within such local area and subject to such limitations as he may think fit.

CHAPTER III.

Of the Manufacture of Salt.

Part I.—*General.*

Manufacture without license illegal.

8. No person, not being a public servant manufacturing on behalf of Government, shall manufacture salt unless duly licensed as hereinafter provided.

Commissioner may grant, alter or cancel licenses.

9. The Commissioner may grant licenses for the manufacture of salt. Every license shall relate to specified salt-works and shall contain such particulars and conditions as the Governor in Council may, from time to time, prescribe. The Commissioner may at any time call for any license and may amend or alter it or may tender to the licensee a new license in accordance with any further conditions which may be so prescribed.

If such new license is not accepted by the licensee, the Commissioner may direct that the previous license shall be cancelled.

Every person who is registered as a manufacturer of salt at any salt-factory in existence when this Act comes into force shall be deemed to be duly licensed to manufacture salt hereunder until a license shall be issued to him.

Two descriptions of licenses.

10.[2] Licenses for the manufacture of salt may be either—

(i) for the manufacture of salt for sale to Government, or

---

[1] For such delegation, *see* Madras List of Local Rules and Orders.

[2] For revised forms of licenses, *see* Madras List of Local Rules and Orders.

(ii) for the manufacture of salt for general sale

11. Licenses shall be transferable and may be relinquished Provided that no transfer or relinquishment shall have any effect against the Commissioner unless and until it shall have been registered or accepted under such rules as [1][he] may from time to time prescribe

Transfer and relinquishment of licenses.

12. For the purposes of this Act, the licensee shall be taken to be the owner of the license and of the salt-works specified therein Provided that nothing herein contained shall affect the liability of the licensee towards any person who may have an interest in, or lien upon, such license or salt-works

Licensee to be taken to be owner of license and salt-works.

13. The Governor in Council may by notification[2] establish a salt-factory in any land which is the property of Government, or in which the owner there of shall permit the establishment of a salt-factory Subject to the payment of compensation as hereinafter provided, the Governor in Council may in like manner close any salt-factory or portion thereof by directing cancellation of the licenses relating to salt-works therein comprised

Power to establish and close factories.

14. The Governor in Council may direct that any salt-factory or portion of a salt-factory worked for sale of salt to Government shall be worked for general sale of salt, and that any factory or portion of a factory worked for general sale of salt shall be worked for sale of salt to Government

Power to substitute either system of manufacture for the other

Provided that no such change shall be introduced during a manufacturing season

Proviso

15.[3] The intention of the Governor in Council to effect such change shall be declared by a notification not later than the first day of June in the year preceding that in which the change is to take effect, and notice of such intention shall further be served on the general body of licensees at the factory affected On or after the first day of December next ensuing and before the commencement of manufacture, the Commissioner shall cause all licensees to be summoned to receive new licenses, and if any of them fail to attend in person or by authorized agent at the time and place mentioned in the summons and to accept the licenses tendered, the Commissioner may declare the existing licenses cancelled

Notice to be given of intention to substitute.

Power to recall licenses and issue new ones.

16. Salt-works for which licenses have been relinquished under section 11 or cancelled under sections 9, 13, 15 25, 27 or 73 shall be at the disposal of the Commissioner, who shall determine whether the salt-works shall be retained within the salt-factory or not

Commissioner to dispose of salt-works for which licenses have been relinquished or cancelled.

(a) If the Commissioner directs that the salt-works shall be retained within the factory, the proprietary right of other persons therein, if any, shall there-

Procedure where salt-works are

---

[1] This word was substituted for the words the Governor in Council by Mad Act VIII of 1914 *infra*.
[2] For notifications under this section, *see* Madras List of Local Rules and Orders.
[3] For notifications under this section *see ibid*

retained within the factory. upon vest in the Governor in Council, and the Commissioner shall pay the value of such proprietary right to the late licensee. In calculating such value the value of the land as a site for salt-manufacture shall not be taken into account. The Commissioner shall, if he admits the existence of such proprietary right, tender to the late licensee such sum as he considers to represent the value thereof, and, if the sum tendered is not accepted or such proprietary right is not admitted by the Commissioner, he shall refer the late licensee to a Court of competent jurisdiction. In the case of salt-works for which licenses have been cancelled under sections 9, 13 or 15, the Commissioner shall also pay to the late licensee compensation at the rates fixed in section 18.

Procedure where they are not retained.

(*b*) If the Commissioner directs that the salt-works shall not be retained within the factory, he shall exclude them from the limits thereof, and no payment for the value of any proprietary right shall be made; but in the case of salt-works for which licenses have been cancelled under sections 9, 13 or 15 the Commissioner shall pay the late licensees compensation at the rates fixed in section 18:

Proviso.

Provided that no compensation under this section shall be payable, if it is excluded by express stipulation in the conditions of the license.

Treatment of works pending disposal

17. Pending the disposal of salt-works under section 16, in case of dispute as to succession to a deceased licensee and whenever a license is suspended under this Act, the Commissioner may—

grant a temporary license for manufacture in the works in question; or

flood them with water; or

take any other measure he may think fit to prevent injury to manufacture in neighbouring salt-works or the spontaneous generation of salt.

Rates of compensation.

18. The compensation payable under section 16 to a licensee shall be at the rate of four annas for every maund of salt in the average quantity annually stored from the salt-works to which the license cancelled or relinquished relates. In the case of a license to manufacture salt for sale to Government, such average quantity shall be calculated on the number of years in which the salt-works have been worked during the five years last preceding. In the case of a license to manufacture salt for general sale, such average quantity shall be calculated on the period not exceeding five years last preceding during which the license has been in force.

Power to destroy salt.

19. The Commissioner may without payment authorize the immediate destruction of all salt manufactured by licensees otherwise than according to the conditions of their licenses.

Power to erect guard-sheds.

20. The Commissioner may cause guard-sheds to be erected at any place in any salt-factory without payment of compensation for the use of the land occupied thereby.

PART II.—*Of the Manufacture of Salt for Sale to Government*

21. The provisions of this Part shall apply only in salt-factories or portions of factories worked for sale of salt to Government. To what factories provisions of Part to apply.

22. The Commissioner shall determine the quantity of salt to be manufactured in each year by each licensee. Commissioner to determine quantity of salt to be manufactured, and to pay for all salt manufactured.

The Commissioner shall pay licensees for all salt manufactured according to the conditions of their licenses and delivered into store by them, at such rates as [1][he] may, from time to time, prescribe.

23. Licensees shall be bound at their own expense to maintain in repair their salt-works and the minor irrigation channels which supply brine thereto, and to deliver all the salt manufactured by them into store at the place and in the manner appointed by the Commissioner for the factory or for the salt-works of the licensee. They shall also be bound, when called upon by the Commissioner, to provide labour and materials for securing salt in store and for executing repairs to the platforms, main channels, roads and other works of the factory, and shall be paid therefor at the rates usually paid in the neighbourhood for labour and materials of a similar description. Obligations and duties of licensees.

24. If the licensees fail to agree among themselves as to the proportion in which they shall execute, perform and do the several works, duties and things mentioned in the last preceding section, it shall be lawful for the Commissioner to determine such proportion by order to be affixed in a conspicuous place in the salt-factory, and the licensees shall thereupon be bound to execute, perform and do such works, duties and things accordingly within a time to be named in the said order, and, if any licensee shall fail so to do, the Commissioner may take such steps as he may think fit for the execution, performance and doing of such works, duties and things, and may recover from such licensee the amount of any expenditure which the Commissioner may have incurred owing to such refusal or neglect. Power to enforce performance of obligations by licensees.

25. In case of a licensee failing to exercise due diligence in manufacture, or committing any default under section 23 or 24, the Commissioner may— Penalty for want of due diligence or default by licensee.

impose upon the licensee a fine not exceeding one tenth of the sum payable at the prescribed rates on the quantity of salt determined under section 22, or

suspend the license for such period as he may think fit, or

one month after notice cancel the license.

PART III.—*Of the Manufacture of Salt for general Sale*

26. The provisions of this Part shall apply only to salt-factories or portions of factories worked for general sale of salt. To what factories provisions of Part to apply.

[1] This word was substituted for the words "the Governor in Council" by Mad. Act VIII of 1914, *infra*.

Power to cancel license on failure to manufacture.

27. The Commissioner may, after giving one month's notice, cancel the license for any salt-work at which no salt shall have been manufactured during the two manufacturing seasons last preceding.

Removal of salt from closed factory.

28. Salt in store at any salt-factory, or part of a factory, which may be closed in the manner hereinbefore provided, or the property of any licensee whose license may be cancelled or suspended, shall be removed within six months of the date of such closing or of the cancelment or suspension of such license, for which purpose only the license shall continue in force; and, if the licensee shall fail so to remove the salt on payment of the duty thereon, it shall be forfeited to Government and disposed of as the Commissioner may think fit.

Salt to be protected, re-heaped and secured and storage-works constructed.

29. The Commissioner may, by order in writing, require a licensee to protect salt manufactured by him in such manner as the Commissioner shall consider sufficient in any place appointed by the Commissioner for the storage or keeping of salt for the factory or for the salt-works of the licensee, to re-heap and secure in such manner as he may direct any portion remaining out of a heap or store which has been opened, or to construct or repair to the Commissioner's satisfaction any embankment, platform, building or works required or set apart for the purpose of storage, and, if the licensee shall fail to comply with such order within ten days of the receipt thereof, the Commissioner may do what is required or may sell or destroy salt so left unprotected or unstored and may recover the cost from the licensee.

Refuse salt to be stored or destroyed.

30. The Commissioner may call on a licensee to store in such manner as he may direct any sifted or refuse salt manufactured by him which may be lying unstored, or, at the option of the licensee, to destroy the same; and, if the licensee shall fail either to store or to destroy such salt within ten days of the receipt of the order so to do, the Commissioner may cause such salt to be destroyed, and may recover the cost of such destruction from him. The Commissioner shall determine whether any salt is sifted or refuse for the purposes of this Act.

Licensees to construct and maintain in good order roads, channels, reservoirs, etc.

31. The licensees at each salt-factory shall be bound, at their own expense, to construct and maintain within the limits of the factory in good repair to the satisfaction of the Commissioner all roads and all channels, reservoirs, embankments, drying grounds, platforms and other works used or intended to be used for the manufacture and storage of salt, and also all works wherever situated for the protection of the factory from inundation or for the supply of brine.

When works may be undertaken by Salt Department.

32. In case the licensees shall fail to execute the works specified in the last preceding section, or with the sanction of the Governor in Council, whenever it appears desirable that any such work should be undertaken by the Salt Department, the Commissioner may cause such works to be executed and may recover the cost thereof, in such proportions as may seem fit, from the licensees.

33. Every person applying for a permit to remove salt from a salt-factory under this Chapter shall be legally bound to declare in the application the price at which the salt has been sold and the full consideration given or agreed to be given therefor Applicants for permit to remove salt legally bound to state price

34. No licensee shall be entitled to claim from Government compensation for any loss or damage to stored or unstored salt lying at any salt-factory unless it be proved that such loss or damage was caused by the wilful act or neglect of an officer of the Salt Department employed at the factory at which the salt was lying Liability of Government for loss or damages to salt in a factory

---

CHAPTER IV

Manufacture and Refinement of Saltpetre

35. No person, not being a public servant manufacturing on behalf of Government, shall manufacture or refine saltpetre unless duly licensed as hereinafter provided Manufacture of saltpetre without license illegal

36. The Commissioner may grant licenses for the manufacture or refinement of saltpetre Commissioner may grant licenses.

37. Such licenses may be either— Two kinds of licenses.

A—for the manufacture only of saltpetre in its crude form, or

B—for the manufacture and refinement of saltpetre, and the separation and purification of salt in the process of such manufacture and refinement

38.[1] [2][The Commissioner] may, from time to time, by notification, *determine the fees to be paid for such licenses in any local area* Fees for licenses.

39.[1] Licenses under this Chapter shall be annual, and shall contain such particulars and conditions as [2][the Commissioner] may, from time to time, prescribe, and every license under clause B, section 37, shall relate to specified premises Conditions of license

40. Whenever any license under this Chapter is cancelled or suspended under section 73, the Commissioner may, by order in writing, require the licensee to destroy all materials in his possession capable of being used in the manufacture of salt or in the refinement of saltpetre, and, in case the licensee shall fail so to do within ten days, the Commissioner may cause them to be destroyed, and may recover the cost from the licensee. Disposal of materials on cancellation or suspension of license.

41. The Commissioner may, from time to time, and shall, whenever any license under clause B, section 37, is cancelled or suspended, by order in writing, call on the licensee to pay the duty leviable under section 43 on all salt Payment of duty on salt on cancellation or suspension

---

[1] [illegible] and

[illegible]

[2] [illegible] III of 1914, *infra.*

found on the premises and to remove the salt. If the licensee without reasonable excuse fail so to do within ten days, the Commissioner may sell the salt on behalf of Government subject to payment of duty, or may destroy it and recover the cost of such destruction from the licensee.

Licensee to fence premises and store materials.

42. The Commissioner may, from time to time, by order in writing, call on any person licensed under clause B, section 37,—

(1) to fence the premises to which the license relates,

(2) to keep the fences in repair,

(3) to store or protect the materials used or produced therein,

in such manner as he may direct. If the licensee fails to carry out such order within one month, the Commissioner may cancel his license or may suspend it or may himself do what is required and recover the cost thereof from the licensee.

CHAPTER V.

REMOVAL OF SALT AND PAYMENT OF DUTY AND CHARGES.

Salt not removable from factory except under permit and on payment of duty and other charges.

43. [1][Subject to any rules which may be made by the Governor in Council under section 85 and the Commissioner under section 85-A, no salt shall be removed] from any salt-factory, otherwise than on account of Government, or for transport to a place of storage authorized by the Commissioner, and no salt shall be removed from such authorized place of storage, except under a permit and upon payment of duty at the rate fixed by the Governor General in Council under the Indian Salt Act, 1882,[2] and of the following charges :— XII

A—for every maund of salt sold on account of Government such sum as may be fixed under general or special order of the Governor in Council, or determined by auction-sale, not being less than any minimum fixed under section 8 of the Indian Salt Act, 1882[2] ; XII

B—for every maund of salt sold by or on account of a licensee under section 10 (ii) such sum as the Commissioner, under such rules as the Governor in Council may, from time to time, prescribe, may fix as sufficient to cover all or any of the following charges or portions thereof :—

(1) the rent or assessment of the land occupied by the factory, and of the land or buildings on or in which the salt was stored ;

(2) interest at five per centum per annum on the capital cost of the works constructed at the expense of Government within the factory of any of the descriptions, or for any of the purposes, mentioned in section 31 ;

---

[1] These words in square brackets were substituted for the words "Subject to any rules which may be framed by the Governor in Council under section 85, no salt shall be removed" by Mad. Act VIII of 1914, *infra*.

[2] Printed, General Acts, Vol. III.

(3) the cost of any works executed under section 32 and not recovered thereunder,

(4) so much of the annual expenditure incurred by the Government on the establishments maintained at the factory or place of storage for the purposes of guarding the salt and of realizing the revenue thereon, as may exceed five per centum on the duty levied on the salt therein sold in preceding official years and as has not been recovered by Government

Weighment of salt removed.

44. Every holder of a permit for the removal of salt from a salt factory shall be bound to superintend either in person or by his servant or agent the weighing out of the same, and the person actually superintending such weighment shall be bound to prevent the removal of any quantity in excess of that for which the permit has been granted, and may test the weights and scales used in the weighment thereof

Establishment of preventive stations.

45. The Commissioner may establish preventive stations at which all salt removed from any specified factory shall be detained and examined

---

CHAPTER VI

OF THE POWERS OF PUBLIC OFFICERS FOR THE DETECTION AND PUNISHMENT OF OFFENCES AGAINST THE SALT LAW

Magistrate may issue search warrant on information.

46. Any Magistrate on information given that contraband salt is manufactured, sold or kept in any place within his jurisdiction may issue a warrant to search for such salt Before issuing such warrant the Magistrate shall examine the informant on oath or affirmation, and the examination shall be reduced into writing and be signed by the informant and by the Magistrate

When officer of Salt or other department may search without warrant. Procedure to be observed

47. Whenever any officer of the Salt, Police, Land revenue, Abkari or Customs Departments, empowered[1] by the Governor in Council in this behalf, has reason to believe that contraband salt is being manufactured, sold or kept in any place, and that the delay in obtaining a search warrant will prevent the discovery thereof, such officer shall first record in writing (so far as may be practicable)—

(a) the name, residence and calling of the informant (if any),

(b) the locality and description of the place in which, and the name of the person for or by whom, the contraband salt is manufactured, sold or kept, and

(c) the supposed quantity and description of the contraband salt, with the grounds of believing the same to be contraband,

---

[1] For notification empowering certain officers, *see* Madras List of Local Rules and Orders.

shall forthwith forward him to the Inspector of the circle in which the arrest was made, or, if such Inspector be not within a distance of ten miles from the place at which such arrest took place, to the nearest police station, with a report of the circumstances under which such arrest was made

54. On any such person being brought to a police station as aforesaid, the officer in charge thereof shall admit him to bail to appear when summoned before the Inspector of the circle within the limits of which the offence with which he is charged is suspected to have been committed, and in default of bail shall forward him in custody to such Inspector

Procedure by Police station officer

55. Whenever any person charged with having committed an offence under this Act is brought before an Inspector or appears before him on bail, such Inspector shall, after such inquiry as he may deem fit, either release him or admit him to bail to appear before the Magistrate having jurisdiction or in default of bail forward him in custody to such Magistrate

Procedure by Inspector

56. Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the officer admitting him to bail thinks proper shall be executed by such person and by one or more sureties conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Inspector before whom he was bailed to attend or the Magistrate, as the case may be

Bond and sureties of accused

Provided that the officer admitting any such person to bail may dispense with the requirement of a surety or sureties to the bond executed by such person

57. Whenever, by reason of default of appearance of a person bailed to appear before an Inspector, such Inspector is of opinion that proceedings should be had to compel payment of the penalty mentioned in the bond, he shall forward it to the Magistrate having jurisdiction to try the offence of which the person bailed was accused, and the Magistrate shall proceed to compel payment of the penalty in the manner provided by the Code of Criminal Procedure,[1] for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own Court

Procedure on breach of bond for appearance.

58. Any Inspector may, after recording his reasons in writing, summon any person to appear before him whom he has reason to suspect of having committed an offence under this Act On such person appearing before such Inspector he shall be dealt with under section 55

Inspector may summon suspected persons

59. Any officer of the Salt Department duly empowered[2] in this behalf by the Governor in Council may summon any person to appear before himself to give evidence in any investigation relating to the salt-revenue or to an offence under this Act or to produce any document relevant thereto which may be in his possession or under his control

Salt-officer may summon witnesses

---

[1] *See* now Act V of 1898, printed General Acts Vol V

[2] For notification empowering certain officers *see* Madras List of Local Rules and Orders

Provided that no person shall be summoned to appear at a greater distance from his usual place of residence than the Governor in Council may, from time to time, by notification direct.

Terms of summons.

60. Summonses shall be in writing, shall require the persons summoned to appear at a stated time and place, and shall be signed by the officer issuing them. Summonses under section 59 shall state whether the person summoned is required to give evidence or to produce a document, or both.

Examination of witnesses summoned by Salt-officers.

61. Persons summoned under section 59 shall attend as required and shall answer all questions relating to such investigation put to them by such officer. Such answers shall be reduced into writing, and shall be signed by such officer.

Examination of witnesses whose attendance is dispensed with.

62. Such officer may proceed to the residence of any person who from sickness or other infirmity may be unable to attend before him, or whom by reason of rank or sex it may not be proper to summon, and may there examine him instead of summoning him to appear; and the provisions of section 61 shall apply in such case.

Persons summoned merely to produce documents.

63. Any person summoned merely to produce a document shall be deemed to have complied with the summons if he cause such document to be produced, instead of attending personally to produce the same.

Report of Inspector to Magistrate.

64. Whenever an Inspector forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction or admits any such person to bail to appear before such Magistrate, such Inspector shall also forward to such Magistrate a report setting forth the name of the accused person, the nature of the offence with which he is charged, and the names of the persons who appear to be acquainted with the circumstances of the case; and shall send to such Magistrate any article or samples which it may be necessary to produce before him. Upon the receipt of such report, the Magistrate shall proceed in like manner as if report had been made to him, under clause (*b*), section 191 of the Code of Criminal Procedure.[1] X of 1882.

Powers of Inspector to cause attendance of witnesses.

65. Such Inspector shall exercise all the powers conferred by the Code of Criminal Procedure [2] on an officer in charge of a police-station in respect to X of 1882. causing the appearance before such Magistrate of such persons as he may consider necessary to be examined by the Magistrate.

Accused not to be detained in custody for a longer period than twenty-four hours.

66. No person accused or suspected of having committed an offence under this Act shall be detained in custody for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of a Magistrate, exceed twenty-four hours exclusive of the time necessary for the journey of such person to the place where the Inspector may be and from thence to the Magistrate having jurisdiction.

Custody of things seized under the Act.

67. All officers in charge of police-stations shall take charge of and keep in safe custody, pending the orders of the Magistrate or of an Inspector, all things seized under this Act which may be delivered to them; and shall allow any officer of the Salt Department who may accompany such things to the

---

[1] *See* now cl. (*b*) of sub-s. (1) of s. 190 of Act V of 1898, *General Acts*, Vol. V.
[2] *See* now Act V of 1898, General Acts, Vol. V.

police station, or who may be deputed for the purpose by his superior officer, to affix his seal to such things or to take samples of and from them. All samples so taken shall also be sealed with the seal of the officer in charge of the police station.

Officers of Salt and other Departments to assist each other

68. All officers of the Salt, Police, Land-revenue, Abkari and Customs Departments and Village officers of the Revenue and Police Departments shall, upon notice given or request made, be legally bound to assist each other in carrying out the provisions of this Act.

Prevention of and information regarding offences.

69. All officers of the Police, Land revenue, Abkari and Customs Departments shall be bound to give immediate information to an officer of the Salt Department, and every officer of the Salt Department shall be bound to give immediate information either to his immediate official superior or to an Inspector of all breaches of any of the provisions of this Act which may come to his knowledge, and all such officers shall be bound to take all reasonable measures in their power to prevent the commission of any such breaches which they may know or have reason to believe are about or likely to be committed.

Zamíndárs and others to report manufacture of contraband salt

70. All zamíndars, proprietors, tenants, under tenants and cultivators, or other persons who own or hold land on which there shall be any manufacture of contraband salt, shall, in the absence of reasonable excuse, be bound to give notice of the same to a Magistrate or to an officer of the Salt, Police, Land revenue, Abkari or Customs Departments, immediately the same shall come to their knowledge.

Provisions regarding confiscation of things liable thereto

71.[1] At the conclusion of any inquiry into or trial of an offence under this Act, the Court may order the confiscation of anything liable to confiscation under this Act in connection with such offence.

Whenever confiscation is so ordered, the Court may give the owner of such thing an option to pay, in lieu of confiscation, such sum of money as the Court may think fit.

In any other case when anything liable to confiscation under this Act has been seized, the Commissioner may, subject to such rules as the Governor in Council may prescribe, order the confiscation thereof.

Disposal of things seized.

[1]**72.** The Governor in Council may by rule provide in regard to things liable to be seized under this Act—

(a) that the owner or person having the charge of any animal seized and detained shall provide from day to day for its keep while detained, and that, if he omits to do so, such animal may be sold by public auction, and the expenses (if any) incurred on account of it defrayed from the proceeds of the sale;

(b) that when anything is seized and an order for its release is subsequently passed, and the owner does not, within a period to be fixed

---

[1] For rules under ss 71 and 72 taken in conjunction with s. 85 (h), *see* Madras List of Local Rules and Orders.

by such rule, appear to claim such thing and tender the duties, penalties and charges (if any) due in respect thereof, it may be sold by public auction, and such duties, penalties and charges be defrayed from the proceeds of the sale:

(*c*) that the surplus proceeds of a sale under clause (*a*) or clause (*b*) of this section shall, if not claimed by the owner of the thing seized within a period to be fixed by such rule, be forfeited to Government.

Power to cancel and suspend licenses.

73. The Commissioner may cancel any license if the licensee shall have been convicted of any offence under this Act, or may suspend or cancel any license in case of breach of the conditions thereof.

CHAPTER VII.

PENALTIES.

Penalties for removal of salt without or in excess of permits, etc.

74. Any person who—

(*a*) removes any salt without or in excess of the permits rendered necessary by this Act; or

(*b*) except for agricultural or building purposes, excavates, collects or possesses salt-earth in any local area where it is contraband salt; or

(*c*) manufactures contraband salt in any other way than by excavating or collecting salt-earth; or

(*d*) purchases, obtains, possesses, sells or weighs contraband salt other than salt-earth knowing or having reason to believe it to be contraband; or

(*e*) refines saltpetre without such license as is prescribed by Chapter IV of this Act; or

(*f*) attempts to commit or within the meaning of the Indian Penal Code[1] XLV of 1860.
abets the commission of any of the above acts,

shall on conviction be punishable for every such offence with imprisonment for a term not exceeding six months, or with fine not exceeding five hundred rupees, or with both.

Penalty for act or omission in contravention of section 44, or of any rule under clauses (*b*), (*c*) and (*d*) of section 85-A or of any permit.

75. Any person who is guilty of any act or intentional omission in contravention of section 44 of this Act or [2][of any rules framed by the Commissioner under clauses (*b*), (*c*) and (*d*) of section 85-A] or of any permit granted under this Act, shall on conviction be punishable with fine which may extend to two hundred rupees.

---

[1] Printed General Acts, Vol. I.

[2] These words in square brackets were substituted for the words "of any rule framed by the Governor in Council under clauses (*c*), (*e*) and (*g*) of section 85" by Mad. Act VIII of 1914, *infra*.

76. Any officer of the Salt, Police, Land revenue, Abkari or Customs Departments, or any head of a village, who enters for the purposes of search any house, building, vessel or enclosed place, without reasonable cause to believe that contraband salt is manufactured, sold or kept therein, or who vexatiously and unnecessarily seizes any article on the pretence of seizing or searching for contraband salt, or who vexatiously and unnecessarily detains, searches or arrests any person or stops or detains any vehicles or vessels in transit, or who in any other way vexatiously exceeds his lawful powers, shall on conviction be punishable with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both

Penalty for vexatious abuse of power by officer of Salt or other Department or by head of village

77. Any Salt or other officer exercising powers under this Act or any other person who vexatiously and unnecessarily delays forwarding to the Inspector or to the officer in charge of the nearest police station, as required by section 53 of this Act, any person arrested or any article seized under this Act, shall be punished with fine which may extend to two hundred rupees

Penalty for vexatious delay by officer of Salt or other Department

78. Any Salt-officer who without lawful excuse shall cease or refuse to perform or shall withdraw himself from the duties of his office, unless expressly allowed to do so in writing by the Commissioner or unless he shall have given to his superior officer two months' previous notice in writing of his intention to do so, or

who shall offer any unwarrantable violence to any person in his custody,

shall, on conviction, be punishable with fine which may extend to six months' pay, or with imprisonment which may extend to three months, or with both

Penalty for Salt officer refusing to perform duties, or using violence to person in custody

79. All contraband salt,

all salt, saltpetre, saline substances or salt-earth in regard to which any offence relating to salt may be proved to have been committed,

all vessels, vehicles, materials, implements, utensils, animals packages and coverings employed in the manufacture, purchase, sale, keeping, concealment or conveyance thereof, or in otherwise dealing therewith,

shall be liable to confiscation

What things liable to confiscation

CHAPTER VIII

General Provisions

80. All rules made and notifications issued under this Act shall be made and issued by publication in the Fort St George Gazette Provided that all such rules and notifications whereby any act or omission is made punishable shall be published in three successive issues of the Fort St George Gazette and for at least two months in the official Gazettes of the districts to which

Publication of rules and notifications.

or to parts of or to places in which it may be determined that they shall apply. All such rules and notifications shall thereupon have the force of law and be read as part of this Act, and may in like manner be varied, suspended or annulled.

Mode of conferring powers, etc.

81. All notifications and orders conferring powers or imposing duties under this Act may refer to persons by name or by office or to classes of officials generally by their official titles.

Service of summons, etc.

82. Whenever under the provisions of this Act it may be necessary to serve any person with a summons or a notice, or to tender a license, such service or tender shall be made in accordance with the provisions of the Code of Criminal Procedure[1] regarding the service of summons, so far as they may be applicable to the circumstances of the case: X of 1882.

Provided that a registered letter addressed to the usual residence of any person may be substituted for any other mode of serving a summons or notice upon that person.

And provided also that when a notice has to be served upon the general body of the licensees of a salt-factory it shall be sufficient to affix the notice to a prominent part of the factory office and to keep it so affixed for not less than seventy-two hours.

Presumption as to possession.

83. All contraband salt found in any house, building or enclosed place shall be presumed, until the contrary is proved, to be in the possession of the occupier of such house, building or place.

Recovery of sums due to Government.

84. All sums recoverable under this Act or in any way due to Government on account of the salt-revenue may be deducted by the Commissioner from any money owing to the person from whom such sums may be recoverable or due which may be in the hands of the Commissioner or under his disposal or control or may be recovered by the Commissioner by attachment and sale of salt belonging to such person and remaining within the limits of a factory. If not so recovered, such sums may be recovered by Collectors of districts on application from the Commissioner as if they were arrears of land-revenue.

Power to make rules.

85.[2] The Governor in Council may from time to time make rules consistent with this Act for regulating the following matters, namely:—

(*a*) [3][the grant of licenses and permits and the particulars and conditions to be contained therein except licenses under Chapter IV.]

---

[1] *See* now Act V of 1898, General Acts, Vol. V.

[2] For rules for the manufacture, storage and removal of salt, *see* Madras List of Local Rules and Orders,

[3] This clause was substituted for the original clause (*a*) by Mad. Act VIII of 1914, *infra*. The original clause ran as follows:—

"(*a*) the grant of licenses and permits and the particulars and conditions to be contained therein;"

[1] * * * * * * *

[1] * * * * * * *

(b)[2] the time for the payment of duty [3] and other charges and the assessment of such charges,

[4] * * * * * * *

[5] (c)[6] the grant of batta to witnesses and of compensation for loss of time to persons released by an Inspector on the ground that they have been improperly arrested, and to persons charged before a Magistrate with offences under this Act and acquitted,

[4] * * * * * * *

[6](d) the disposal of things seized or confiscated, and

[6](e) generally the carrying out of the provisions herein contained

[7] [85-A. Subject to the control of the Governor in Council the Commissioner may from time to time make rules consistent with this Act for regulating the following matters, namely —

(a) the registry and acceptance of transfers and relinquishments of licenses,

(b) the manufacture, storage, sale and removal of salt or saltpetre in and from salt factories,

(c) the manufacture and refinement of saltpetre, and

(d) the routes by which salt shall be taken to a preventive station]

86. An appeal shall lie from all proceedings and orders of officers appointed under this Act to their respective immediate superiors. Appeal against orders

87. No action shall lie against the Secretary of State for India in Council or against any officer in respect of any order passed or act *bonâ fide* done or ordered to be done under this Act No suit or prosecution shall be instituted for anything done or ordered to be done under this Act after the expiration of six months from the accrual of the cause of action or from the date of the act or order complained of. Limitation.

---

[1] Clauses (b) and (c) were repealed by Mad. Act VIII of 1914, *infra*

[2] This clause was renumbered by *ibid*

[3] For rules as to payment of duty leviable on salt, *see* Madras List of Local Rules and Orders

[4] Clauses (e) and (g) were repealed by Mad. Act VIII of 1914, *infra*.

[5] For rules for the grant of batta to witnesses and the grant of compensation in certain cases, *see* Madras List of Local Rules and Orders.

[6] These clauses were renumbered by Mad Act VIII of 1914

[7] Section 85 A was inserted by the Madras Decentralization Act, 1914 (Mad Act VIII of 1914), *infra*

SCHEDULE.

[*Repealed by the Repealing and Amending Act, 1901 (XI of 1901).*]

MADRAS ACT No. II OF 1890.[1]

[THE CANALS AND PUBLIC FERRIES ACT, 1890.]

[*1st April, 1890; 9th May, 1890.*]

An Act to make better provision for the establishment of Canals and Public Ferries in the Presidency of Madras and for the management thereof.

Preamble.

WHEREAS it is expedient to make better provision for the establishment of canals and public ferries in the Presidency of Madras and for the management thereof; It is enacted as follows:—

Short title and local extent.

1. This Act may be called the Canals and Public Ferries Act, 1890.

It extends to the whole of the Presidency of Madras.

2. [*Repeal.*] *Rep. by the Repealing and Amending Act, 1901 (XI of 1901).*

Definitions.

3. In this Act "vessel" includes any ship, barge, boat, raft, timber, bamboos or floating materials propelled in any manner:

"channel" includes any waterway, whether natural or artificial:

"line of navigation" means any navigable channel, or series of connected navigable channels:

"canal" means a line of navigation declared to be subject to the provisions of this Act:

"ferry" means a place at which goods, animals or passengers are conveyed across a channel by means of vessels:

"public ferry" means a ferry declared to be subject to the provisions of this Act.

Power to apply Act to any line of navigation.

4. The Governor in Council may, by notification[2] in the Fort St. George Gazette, declare any line of navigation to be subject to the provisions of this Act from a date to be named in such notification, and may in like manner cancel or modify any such notification.

Vessels to be registered or licensed as directed by Government.

5.[3] All vessels using a canal shall be either licensed or registered as the Governor in Council may direct:

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 3rd December, 1889, p. 3; for Report of the Select Committee, *see ibid*, dated 25th February, 1890, p. 1; for Proceedings in Council, *see ibid*, dated 28th January, 1890, p. 2, and *ibid*, dated 1st April, 1890, p. 3

The Act came into force on the 1st August, 1890—*see* Fort St. George Gazette, 1890, Pt. I, p. 529.

[2] For notification under this section, *see* Madras List of Local Rules and Orders.

[3] This section was substituted for the original section by Mad. Act II of 1895, s. 1, printed *infra*.

[1] [Provided that the Governor in Council may exempt from the operation of this section all or any vessels or classes of vessels using a canal or portion of a canal.]

6.[2] The Governor in Council may from time to time— Power to fix fees and rates of toll and to establish toll stations.

(*a*) fix rates of fees payable for the licensing or registration of vessels;

(*b*) establish stations at which tolls shall be levied on vessels passing along a canal or on passengers, vehicles, animals or goods landed therefrom, and fix the rates of such tolls,

(*c*) fix fees for the use of public landing-places, wharves, piers, jetties, docks, basins, lie byes, sidings, sheds or warehouses provided for the accommodation of vessels using a canal or of goods or passengers carried or to be carried thereon and for demurrage on vessels or goods detained therein.

A notification of such tolls or fees under clauses (*b*) and (*c*) of this section shall be exhibited to public view in English and in the Vernacular language of the district at the places where such tolls or fees are leviable.

7. Any person duly empowered by Government in this behalf may— Power of person duly authorized to impose punishment for breach of condition of license and to deal with any obstruction or with navigation in contravention of Act.

(i) suspend or cancel the license or registration of any vessel in case of breach of any condition thereof, or in lieu of such suspension or cancellation or of prosecution may recover from the person in charge of the vessel a penalty not exceeding five rupees for each such breach,

(ii) remove from the canal any vessel which may be sunk or abandoned therein, and may recover any expense incurred in so doing by the sale of the vessel. a vessel left for more than three days without a competent person in charge shall be held to be abandoned,

(iii) in case of emergency remove any other obstruction, or contrivance for fishing, or other thing which is an impediment to navigation, or in other cases serve notice upon the owner, if any, to remove any such thing within a reasonable time to be stated in the notice, failing which he may remove it himself. Expenses incurred under this clause shall be recoverable from the owner. Provided always that, in cases of interference with private rights, reasonable compensation shall be payable,

(iv) prohibit the construction of any contrivance for fishing or for any other purpose in the canal or any erection therein or on a tow-path or other land appurtenant thereto;

(v) stop any vessel navigating the canal in contravention of any of the provisions of this Act or of any rule made or any condition of license or registration prescribed thereunder, and may detain it until the same is complied with or until penalty has been paid or

---

[1] This proviso was added to s. 5 by s. 2 of Mad. Act V of 1914, *infra*.
[2] For notifications under this section, *see* Madras List of Local Rules and Orders.

recovered under clause (i) of this section or until the offence, if any, has been inquired into and disposed of.

Powers under this section may be conferred either by name or in virtue of an office.

Power to apply Act to any ferry and define limits of ferry.

8. The Governor in Council may, by notification [1] in the Fort St. George Gazette, declare any ferry to be subject to the provisions of this Act from a date to be named in such notification, and may define the limits of such ferry. The Governor in Council may, in like manner, cancel or modify any such notification.

Upon such application existing rights of ferry to cease.

Proviso.

9. From such date all previously existing rights of ferry within the limits defined in the notification shall cease and determine, and it shall be unlawful for any person not duly authorized to convey goods, animals or passengers by means of vessels across a channel within such limits while such notification is in force: Provided that, when rights of ferry are extinguished under this section, compensation shall be payable for such extinction and shall be assessed as near as may be under any law for the time being in force relating to the acquisition of land for public purposes.

Power to provide for management of ferries and fix fees and rates of toll.

10. The Governor in Council may provide for the management of public ferries or may authorize any person to convey goods, animals or passengers across a channel by means of vessels at a public ferry. All vessels so used by such person shall be licensed, and the Governor in Council may fix the fees payable for such license and also the tolls leviable upon passengers, animals, vehicles and goods conveyed across such ferry. A notification of such tolls shall be exhibited to public view in English and the Vernacular of the district on each side of the ferry.

Power to assign management of ferry to Local Board or Municipal Council.

11. The management of any canal or public ferry may, by order of the Governor in Council, be assigned to a Local Board or Municipal Council, and thereupon in every such case the revenue accruing therefrom shall be credited to the funds of such managing authority, which shall exercise all the powers stated in section 7, and may, subject to the control of Government, confer such powers on its servants. All persons duly empowered under section 7 shall be deemed to be public servants within the meaning of the Indian Penal Code.[2] XLV of 1860.

Power to appoint persons to collect tolls or fees and to lease out collection thereof.

12.[3] The Governor in Council or the managing authority shall appoint persons to collect tolls or fees payable under this Act. The collection of such tolls or of fees other than license-fees may, under such conditions as the Governor in Council may from time to time prescribe, be leased out, and in such case the lessee and his agents and servants shall be deemed to be so appointed.

Procedure in case of non-payment of

13. In case any tolls, fees other than license-fees or penalties payable under this Act are not paid when demanded by a person duly appointed or empowered

---

[1] For notifications under this section and this section taken in conjunction with s. 10, *see* Madras List of Local Rules and Orders.

[2] Printed, General Acts, Vol. I.

[3] For list of notifications under this section, *see* Madras List of Local Rules and Orders.

to collect or impose the same, such person may seize any vessel, goods, vehicles or animals in respect of which such toll, fee or penalty is payable or anything in the possession of a passenger or person who is liable to such toll, fee or penalty, and any person empowered by Government or the managing authority in this behalf may sell the same by auction after fifteen days' public notice of the sale if such toll, fee or penalty is still unpaid. After deduction of such toll, fee or penalty and of the expenses of sale, the surplus proceeds, if any, shall be paid to the person from whose possession the things sold was taken. **toll, etc., on demand.**

14. All canal and ferry rents and expenses incurred under section 7 may be recovered by the Collector of the district in like manner as if they were arrears of land revenue. **What payments may be recovered as arrears of revenue.**

15. All licenses granted and registrations effected under this Act shall be in such form, shall be valid for a voyage or for such time, and shall contain, or be subject to, such conditions as the Governor in Council may from to time direct. **Form, etc., of licenses and registrations.**

16.[1] The Governor in Council may make rules in respect of any canal or public ferry for all or any of the following purposes:— **Power to make rules.**

(i) declaring the powers to be exercised by any person employed under this Act;

(ii) providing for the grant of licenses, for the inspection of licensed vessels, and for their maintenance in good condition;

(iii) regulating the dimensions and free board of vessels using any canal or public ferry, the equipment of the same, and the number of passengers and the nature and quantity of cargo to be carried therein;

(iv) regulating the speed at which vessels shall be moved, the passing of vessels, the lights to be exhibited by vessels moving or at anchor, the working of locks, the mooring of vessels, and the use of landing-places, wharves, piers, jetties, docks, basins, lie-byes, sidings, sheds or warehouses;

(v) the disposal of vessels or other things confiscated or seized under this Act;

(vi) for the convenience of passengers, and generally for the purpose of this Act.

17. Any person who breaks any rule made under this Act shall be punishable on conviction by a Criminal Court with fine not exceeding fifty rupees in case of a single offence, and, in case of a continuing offence, not exceeding ten rupees for every day during which such offence continues. If the offence is such as to endanger human life, the punishment may extend to imprisonment of either description for one year or to fine of five hundred rupees, or both. **Penalty for breach of rule.**

---

[1] For list of notifications under this section, *see* Madras List of Local Rules and Orders.

recovered under clause (i) of this section or until the offence, if any, has been inquired into and disposed of.

Powers under this section may be conferred either by name or in virtue of an office.

Power to apply Act to any ferry and define limits of ferry.

8. The Governor in Council may, by notification [1] in the Fort St. George Gazette, declare any ferry to be subject to the provisions of this Act from a date to be named in such notification, and may define the limits of such ferry. The Governor in Council may, in like manner, cancel or modify any such notification.

Upon such application existing rights of ferry to cease.

9. From such date all previously existing rights of ferry within the limits defined in the notification shall cease and determine, and it shall be unlawful for any person not duly authorized to convey goods, animals or passengers by means of vessels across a channel within such limits while such notification is in force:

Proviso.

Provided that, when rights of ferry are extinguished under this section, compensation shall be payable for such extinction and shall be assessed as near as may be under any law for the time being in force relating to the acquisition of land for public purposes.

Power to provide for management of ferries and fix fees and rates of toll.

10. The Governor in Council may provide for the management of public ferries or may authorize any person to convey goods, animals or passengers across a channel by means of vessels at a public ferry. All vessels so used by such person shall be licensed, and the Governor in Council may fix the fees payable for such license and also the tolls leviable upon passengers, animals, vehicles and goods conveyed across such ferry. A notification of such tolls shall be exhibited to public view in English and the Vernacular of the district on each side of the ferry.

Power to assign management of ferry to Local Board or Municipal Council.

11. The management of any canal or public ferry may, by order of the Governor in Council, be assigned to a Local Board or Municipal Council, and thereupon in every such case the revenue accruing therefrom shall be credited to the funds of such managing authority, which shall exercise all the powers stated in section 7, and may, subject to the control of Government, confer such powers on its servants. All persons duly empowered under section 7 shall be deemed to be public servants within the meaning of the Indian Penal Code.[2] XLV of 1860.

Power to appoint persons to collect tolls or fees and to lease out collection thereof.

12.[3] The Governor in Council or the managing authority shall appoint persons to collect tolls or fees payable under this Act. The collection of such tolls or of fees other than license-fees may, under such conditions as the Governor in Council may from time to time prescribe, be leased out, and in such case the lessee and his agents and servants shall be deemed to be so appointed.

Procedure in case of non-payment of

13. In case any tolls, fees other than license-fees or penalties payable under this Act are not paid when demanded by a person duly appointed or empowered

---

[1] For notifications under this section and this section taken in conjunction with s. 10, *see* Madras List of Local Rules and Orders.

[2] Printed, General Acts, Vol. I.

[3] For list of notifications under this section, *see* Madras List of Local Rules and Orders.

to collect or impose the same, such person may seize any vessel, goods, vehicles or animals in respect of which such toll, fee or penalty is payable or anything in the possession of a passenger or person who is liable to such toll, fee or penalty, and any person empowered by Government or the managing authority in this behalf may sell the same by auction after fifteen days' public notice of the sale if such toll, fee or penalty is still unpaid. After deduction of such toll, fee or penalty and of the expenses of sale, the surplus proceeds, if any, shall be paid to the person from whose possession the things sold was taken. toll, etc., on demand.

14. All canal and ferry rents and expenses incurred under section 7 may be recovered by the Collector of the district in like manner as if they were arrears of land revenue. What payments may be recovered as arrears of revenue.

15. All licenses granted and registrations effected under this Act shall be in such form, shall be valid for a voyage or for such time, and shall contain, or be subject to, such conditions as the Governor in Council may from time to time direct. Form, etc., of licenses and registrations.

16.[1] The Governor in Council may make rules in respect of any canal or public ferry for all or any of the following purposes:— Power to make rules.

(i) declaring the powers to be exercised by any person employed under this Act;

(ii) providing for the grant of licenses, for the inspection of licensed vessels, and for their maintenance in good condition;

(iii) regulating the dimensions and free board of vessels using any canal or public ferry, the equipment of the same, and the number of passengers and the nature and quantity of cargo to be carried therein;

(iv) regulating the speed at which vessels shall be moved, the passing of vessels, the lights to be exhibited by vessels moving or at anchor, the working of locks, the mooring of vessels, and the use of landing-places, wharves, piers, jetties, docks, basins, lie byes, sidings, sheds or warehouses;

(v) the disposal of vessels or other things confiscated or seized under this Act;

(vi) for the convenience of passengers, and generally for the purpose of this Act.

17. Any person who breaks any rule made under this Act shall be punishable on conviction by a Criminal Court with fine not exceeding fifty rupees in case of a single offence, and, in case of a continuing offence, not exceeding ten rupees for every day during which such offence continues. If the offence is such as to endanger human life, the punishment may extend to imprisonment of either description for one year or to fine of five hundred rupees, or both. Penalty for breach of rule.

---

[1] For list of notifications under this section, *see* Madras List of Local Rules and Orders.

Penalty for navigating a canal or establishing or working a ferry in contravention of section 5 or 9.

18. Any person navigating a canal or establishing or working a ferry in contravention of section 5 or 9 of this Act shall be liable on conviction before a Criminal Court to fine not exceeding five hundred rupees.

Penalty for evasion of toll or fee and for unauthorized levy of toll, etc.

19. Any person who refuses or evades payment of any toll or fee payable under this Act, or without due authority levies any toll or fee under colour of this Act, or, being empowered to collect tolls or fees under this Act, collects or receives any sum in excess of the lawful due, shall on conviction by a Criminal Court be punishable with imprisonment of either description not exceeding one month, or with fine not exceeding one hundred rupees, or with both.

Power of Court to order confiscation.

20. On conviction had of any offence under this Act, the Court may order that any vessel or other thing used in the commission of such offence shall be confiscated.

[1] [**21.** The Governor in Council may delegate all or any of his powers under sections 5, 10, 11, 12, 13 and 15 to any officer not below the rank of District Collector or Superintending Engineer.]

MADRAS ACT No. III OF 1890.[2]

[THE MADRAS LOCAL BOARDS AND RENT RECOVERY (AMENDMENT) ACT, 1890.]

[*9th April, 1890 ; and 24th May, 1890.*]

An Act to amend the Madras Local Boards Act, 1884, and the Madras Rent Recovery Act, 1865.

Mad. Act V of 1884. Mad. Act VIII of 1865.

WHEREAS it is expedient to amend the Madras Local Boards Act, 1884,[3] and the Madras Rent Recovery Act, 1865[3]; It is hereby enacted as follows :—

1. (*1*) In clause (iii), section 64, of the Madras Local Boards Act, 1884,

---

[1] Section 21 was added by Mad. Act VIII of 1914, *infra*.

[2] Short title, "The Madras Local Boards and Rent Recovery (Amendment) Act, 1890, was given by the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 3rd December, 1889, p. 1 ; for Report of the Select Committee, *see ibid*, dated 4th March, 1890, p. 1 ; for Proceedings in Council, *see ibid*, dated 28th January, 1890, p. 2, and *ibid*, dated 1st April, p. 1.

The Act came into force from 1st July, 1890—*see* Fort St. George Gazette, 1890, Pt. I, p. 815.

The Act has been declared, by notification under s. 3 (*a*) of the Scheduled Districts Act, 1874 (XIV of 1874), to be in force in the Scheduled Districts in Ganjam and Vizagapatam—*see* notification No. 285, dated 4th July, 1898, Fort St. George Gazette, 1898, Pt. I, p. 666, and Gazette of India, 1898, Pt. I, p. 869.

[3] Repealed by Mad. Act I of 1908, *infra*.

between the word "tenants" and the word "shall," the following shall be inserted, namely :—

[*Vide supra*, p. 580.]

(*2*) In the same clause of the same section, for the last fifty-two words, the following shall be substituted, namely :—

[*Vide supra*, p. 580.]

(*3*) At the end of clause (iv) of the same section, after the word "quality" the following shall be added, namely :—

[*Vide supra*, p. 580.]

(*4*) For the proviso to the same section the following shall be substituted, namely :—

[*Vide supra*, p. 580.]

2. In section 65 of the same Act, at the end, the following shall be added, namely :—

[*Vide supra*, p. 581.]

3. In section 72 of the same Act, for the last nine words the following shall be substituted, namely :—

[*Vide supra*, p. 581.]

4. (*1*) In section 73 of the same Act, between the word "aforesaid" and the word "on" the following shall be inserted, namely :—

[*Vide supra*, p. 582.]

(*2*) In the same section, after the word "declare" the following shall be added, namely :—

[*Vide supra*, p. 582.]

(*3*) In the proviso to the same section, after the word "payable" and before the word "in" the following shall be inserted, namely :—"by the land holder."

5. In section 75 of the same Act, before the word "revenue" the words "permanently-settled" shall be inserted, and in the proviso to the same section, between the words "payable" and "to" the words "by him" shall be inserted.

6. In section 76 of the same Act, after the word "aforesaid" the following shall be inserted, namely :—

[*Vide supra*, p. 583.]

7. [*Repealed by Mad. Act I of 1908.*]

MADRAS ACT No. I OF 1891.[1]

[THE MADRAS GENERAL CLAUSES ACT, 1891.]

[*3rd April, 1891; 14th May, 1891.*]

An Act for further shortening the language used in Acts of the Governor of Fort St. George in Council and for other purposes.

WHEREAS it is expedient to further shorten the language used in Acts made by the Governor of Fort St. George in Council and to make certain further provisions relating to those Acts; It is hereby enacted as follows:—

Short title. **1.** (*a*) This Act may be called the Madras General Clauses Act, 1891; and

Commencement. (*b*) It shall come into force on the first day of January, 1892.

Saving clause. **2.** Notwithstanding anything contained in the Madras General Clauses Act, 1867,[2] the provisions of that Act shall not apply to this Act or to any Act of the Governor of Fort St. George in Council which may be passed subsequent to the commencement of this Act. Mad. Act I of 1867.

CHAPTER I.

Definitions.

Definitions. **3.** In this Act and in every Act made by the Governor of Fort St. George in Council after the commencement of this Act, unless there be something repugnant in the subject or context,—

"Abet." (*1*) "abet," with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code[3]: XLV of 1860.

"Barrister." (*2*) "barrister" shall mean a barrister of England or Ireland or a member of the Faculty of Advocates in Scotland:

"British India." (*3*) "British India" shall mean all territories and places within Her Majesty's dominions which are, for the time being, governed by Her Majesty through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India:

"Chapter," "part," "section" and "schedule." (*4*) "Chapter," "part," "section" and "schedule" shall mean respectively a Chapter, part and section of, and schedule to, the Act in which the word occurs:

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 3rd March, 1891, p. 5; for Report of the Select Committee, *see ibid*, dated 10th *idem*, p. 1; for Proceedings in Council, *see ibid*, dated 10th *idem*, p. 2, and *ibid.* dated 7th April, 1891, p. 1.

[2] Printed, *supra*.

[3] Printed, General Acts, Vol. I

(*5*) "City of Madras" shall mean such local area as is declared from time to time to be the City of Madras under any Act for the time being in force relating to the municipal affairs of such city "City of Madras."

(*6*) "Collector" shall include every officer who, for the time being, is authorized to exercise the powers of a Collector "Collector"

(*7*) "commencement," used with reference to an Act, shall mean the time at which the Act comes into force "Commencement"

(*8*) "District Collector" shall mean the chief local officer in charge of the revenue administration of a district "District Collector"

(*9*) "document" shall mean any matter expressed or described upon any substance by means of letters, figures or marks, or by more than one of those means, intended to be used, or which may be used, as evidence of that matter "Document"

(*10*) "financial year" shall mean the year commencing on the first day of April "Financial year"

(*11*) nothing is said to be done or believed in "good faith" which is done or believed without due care and attention "Good faith."

[1] [(*12*) "Local Government" shall mean the Governor of Fort St George in Council] "Local Government"

(*13*) "Her Majesty" shall include Her heirs and successors to the Crown "Her Majesty"

(*14*) "immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth "Immoveable property"

(*15*) "imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code[2] "Imprisonment"

(*16*) "judicial proceeding" shall mean any proceeding in the course of which evidence is, or may be, legally taken "Judicial proceeding"

(*17*) "local authority" shall mean a Municipal Committee, District *Board, body of Port Commissioners or other authority legally entitled to, or* entrusted by the Government with, the control or management of a municipal or local fund "Local authority"

(*18*) "Magistrate" shall mean any person exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure, 1882[3] "Magistrate"

(*19*) "moveable property" shall mean property of every description except immoveable property "Moveable property"

(*20*) "oath," "swear" and "affidavit" shall include affirmation and declaration in the case of persons by law allowed to affirm or declare instead of swearing "Oath," "swear" and "affidavit"

(*21*) "offence" shall mean any act or omission made punishable by any law for the time being in force "Offence"

---

[1] This clause was substituted for the original clause (12) by Mad Act II of 1896, s 1, printed *infra*

[2] Printed, General Acts, Vol. I

[3] *See* now the Code of Criminal Procedure, 1898 (Act V of 1898), printed, General Acts, Vol V

"Person." (22) "person" shall include any company or association of individuals, whether incorporated or not :

"Place." (23) "place" includes also a house, building, tent and vessel :

"Presidency of Madras." (24) "Presidency of Madras" shall mean the territories within British India for the time being under the administration of the Governor of Fort St. George in Council :

"Presidency-town." (25) "Presidency-town" shall mean the local limits for the time being of the ordinary original civil jurisdiction of the High Court of Judicature at Madras :

"Public." (26) "public" includes any class of the public or any community :

"Public nuisance." (27) "public nuisance" shall have the meaning assigned to that expression in section 268 of the Indian Penal Code[1] : XLV of 1860.

"Registered." (28) "registered" shall mean registered in British India under the law for the time being in force for the registration of documents .

"Sign." (29) "sign," with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark" with its grammatical variations and cognate expressions :

"Son" and "father." (30) in the case of any one whose personal law permits adoption, "son" shall include an adopted son, and "father" an adoptive father :

"Sub-section." (31) "sub-section" shall mean a sub-section of the section in which the word occurs :

"Value." (32) "value," used with reference to a suit, shall mean the amount or value of the subject-matter of the suit, computed according to the law for the time being in force regulating the valuation of suits for purposes of jurisdiction :

"Will." (33) "will" shall include a codicil and every writing making a voluntary posthumous distribution of property :

Gender. (34) words importing the masculine gender shall include females :

Number. (35) words in the singular shall include the plural, and words in the plural shall include the singular :

Illegal omissions. (36) words which refer to acts done extend also to illegal omissions :

"Writing." (37) "writing," with its grammatical variations and cognate expressions, shall include "printing" "lithography," "photography," with their grammatical variations and cognate expressions, and other modes of representing or reproducing words in a visible form :

"Year" and "month." (38) "year" and "month" shall, respectively, mean a year and month reckoned according to the British calendar.

---

[1] General Acts, Vol. 1.

CHAPTER II.

General Provisions applicable to future Acts

4. This Chapter shall apply to all Acts made by the Governor of Fort St George in Council after the commencement of this Act, unless a contrary intention appears in such Acts

Application of Chapter II to all future Acts.

5. Every Act to which this Chapter applies and in which no time is mentioned or provision made for its commencement, shall come into force upon the first publication, made in pursuance of section 40 of the Indian Councils Act, 1861,[1] by the Governor of Fort St George of the assent thereto of the Governor General of India; and in every such Act the date of such first publication shall be printed either above or below the title of the Act, and shall form part of every such Act

Commencement of future Acts.

6. Where, by an Act to which this Chapter applies and which is not to come into force immediately on the passing thereof, a power is conferred on Government or other authority to make rules, or to issue orders, with respect to the application of the Act, or with respect to the appointment of any officer thereunder, such power may be exercised at any time after the passing of the Act, but rules or orders so made or issued shall not take effect till the commencement of the Act

Making of rules and issue of orders between passing and commencement of Act.

7. Where, by an Act to which this Chapter applies, a power to make rules is expressed to be given, subject to the conditions of the rules being made after previous publication, the following provisions shall apply, namely:—

Provisions regulating the making of rules after previous publication.

(*a*) the authority having the power to make the rules shall, before making them, publish a draft of the proposed rules,

Publication of draft rules

(*b*) the publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so requires, in such manner as the Government prescribes;

Manner of publication

(*c*) there shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration,

Notice to accompany draft rules

(*d*) the authority having power to make the rules, and, where the rules are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules from any person with respect to the draft, before the date so specified,

Consideration of suggestion in regard to draft rules

(*e*) the publication in the Fort St George Gazette of a rule purporting to have been made in exercise of a power to make rules after previous publication, shall be conclusive proof that the rule has been duly made

Publication to be proof of due making of rules.

[1] 24 & 25 Vict., c. 67, printed, Vol. I of the Collection of Statutes relating to India.

Effect of repealing an Act.

8. Where any Act, to which this Chapter applies, repeals any other enactment, then the repeal shall not—

(*a*) affect anything done or any offence committed, or any fine or penalty incurred or any proceedings begun before the commencement of the repealing Act; or

(*b*) revive anything not in force or existing at the time at which the repeal takes effect; or

(*c*) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed; or

(*d*) affect any right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed; or

(*e*) affect any fine, penalty, forfeiture or punishment incurred in respect of any offence committed against any enactment so repealed; or

(*f*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, fine, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such fine, penalty, forfeiture or punishment may be imposed, as if the repealing Act had not been passed.

Revival of repealed enactments.

9. In any Act to which this Chapter applies—

(*a*) for the purpose of reviving, either wholly or partially, an Act or Regulation, wholly or partially repealed, it shall be necessary expressly to state such purpose;

Commencement of term. Termination of term.

(*b*) for the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word "from";

(*c*) for the purpose of including the last in a series of days or any other period of time, it shall be sufficient to use the word "to";

Application to subordinates of law relative to official superiors.

(*d*) for the purpose of expressing that a law relative to the chief or superior of an office shall apply to the deputies or subordinates lawfully executing the duties of such office in the place of their superior, it shall be sufficient to prescribe the duty of the superior;

Application of law to successors of functionaries and corporations.

(*e*) for the purpose of indicating the relation of a law to the successors of any functionaries, or of corporations having perpetual succession, it shall be sufficient to express its relation to the functionaries or corporations; and

Application of law to persons for time being filling an office.

(*f*) for the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, it shall be sufficient to mention the official title of the officer at present executing such functions, or that of the officer by whom the functions are commonly executed.

Expressions used in bye laws and orders to have same meaning as in Act under which they are made or issued

10. Where an Act, to which this Chapter applies, confers power to make rules or bye-laws or to issue orders, expressions used in such rules, bye laws or orders, have the same respective meanings as in the Act conferring the power

Necessary extension of prescribed periods

11. Where, by an Act to which this Chapter applies, any act or proceeding is directed or allowed to be done or taken in a Court or office on a certain day or within a prescribed period, then, if the Court or office is closed on that day or the last day of the prescribed period, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open

This section does not apply to any act or proceeding to which the Indian
7 Limitation Act, 1877,[1] applies

CHAPTER III

General Provisions applicable to all Acts

Application of Chapter III to all Acts

12. This Chapter shall apply to all Acts made by the Governor of Fort St George in Council, unless a contrary intention appears in any such Act, but it shall not affect anything done or commenced prior to the commencement of this Act under any enactment now in force

When powers and duties to be exercised and performed

13. Where an Act confers a power or imposes a duty, then the power may be exercised and the duty shall be performed from time to time as occasion requires

Exercise of power and performance of duty by temporary holder of office

14. Where an Act confers a power or imposes a duty on the holder of an office, as such, then the power may be exercised and the duty shall be performed by the holder for the time being of the office

Revocation and *alteration* of rules bye laws and orders

15. Where an Act confers a power to make any rules or bye-laws, or to issue orders, the power shall be construed as including a power exercisable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend or vary the rules, bye-laws or orders

Duty leviable *pro rata.*

16. Whenever by an Act any duty of customs or excise or in the nature thereof is leviable on any given quantity, by weight, measure or value, of any

---

[1] See now the Indian Limitation Act, 1908 (IX of 1908), General Acts, Vol VI

goods or merchandise, a like duty shall be leviable according to the same rate on any greater or less quantity.

Mode of conferring powers and imposing duties.

17. Whenever by an Act authority is given to confer powers or impose duties, such powers may be conferred or duties imposed by name or by office or on classes of officials generally by their official titles.

References to provisions in Acts repealed and re-enacted.

18. Where an Act repeals and re-enacts, with or without modification, all or any of the provisions of a former Act, references in any other Act to the provisions so repealed shall be construed as references to the provisions so re-enacted, and if notifications have been published, proclamations or certificates issued, powers conferred, forms prescribed, local limits defined, offices established, orders, rules and appointments made, engagements entered into, licenses or permits granted, and other things duly done, under the provisions so repealed, the same shall be deemed, so far as the same are consistent with the provisions so re-enacted, to have been respectively published, issued, conferred, prescribed, defined, established, made, entered into, granted or done under the provisions so re-enacted.

Recovery of fines.

19. The provisions of sections 63, 68, 69 and 70 of the Indian Penal Code [1] XLV of 1 shall apply to all fines imposed under the authority of any Act.

Punishment for offences under more than one enactment.

20. Where an act or omission constitutes an offence under two or more enactments, the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same act or omission.

Publication of orders and notifications in the Fort St. George Gazette.

21. Where in any Act, or in any rule passed under any Act, it is directed that any order, notification or other matter shall be notified or published, such notification or publication shall, unless the Act otherwise provides, be deemed to be duly made if it is published in the Fort St. George Gazette.

Determination of the times at which Acts or provisions of Acts extended or applied by Government to certain places shall come into force.

22. When, by an Act, Government is empowered to extend or apply an Act or any provision of an Act to any place in, or to any portion of, the Presidency of Madras, the Government may, in any order extending or applying such Act or provision or in a subsequent order, notify the time at which the same shall come into force in the place or portion of the Presidency to which it is so extended or applied ; and, unless it is otherwise provided in the Act, Government may, by notification in the Fort St. George Gazette, from time to time postpone the time at which the Act or provision shall come into force in such place or portion of the Presidency, or cancel the order for extending or applying the same to such place or portion of the Presidency :

Proviso.

Provided that no order postponing the time at which an Act or provision shall come into force, or cancelling an order for extending or applying the same, shall be made after the Act or provision has actually come into force in the place or portion of the Presidency to which such order relates.

---

[1] Printed, General Acts, Vol. I.

MADRAS ACT No. II OF 1893.[1]

[THE MADRAS INLAND CUSTOMS (AMENDMENT) ACT, 1893.]

[*9th March, 1893 ; 25th March, 1893.*]

An Act to amend section 13 of the Land Customs Act, VI of 1844.

WHEREAS it is expedient to amend the Land Customs Act, VI of 1844, It is hereby enacted as follows :— Preamble.

1. To section 13 the following proviso shall be added (namely) :- Addition to section 13 of Act VI of 1844.

[*Vide supra*, p. 77.]

2. This Act shall be read as part of the Land Customs Act, VI of 1844. Construction of Act.

MADRAS ACT No. III OF 1893.[2]

THE MADRAS STEAM-BOILERS AND PRIME-MOVERS ACT, 1893.]

[*6th May, 1893 ; 30th June, 1893.*]

An Act to provide for the inspection and management of Steam-boilers and Prime-movers in the Presidency of Madras.

WHEREAS it is expedient to provide for the inspection and management of steam-boilers and prime-movers ; It is hereby enacted as follows :— Preamble.

1. (*1*) This Act may be called "The Madras Steam-boilers and Prime-movers Act, 1893." Short title.

(*2*) It shall come into force on such day as the Government may, by notification in the *Fort St. George Gazette*, direct.[3] Commencement.

---

[1] Short title, "Madras Inland Customs (Amendment) Act, 1893"—was given by the Repealing [illegible]

Sep [illegible]
p. [illegible]
March, 1893, p 30

The Governor General's assent to this Act was published for the first time in the Fort St. George Gazette of 18th April, 1893.

[2] For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 1st November, 1892, p. 4 ; for Report of the Select Committee, *see ibid*, dated 31st March, 1893, p. 1 ; [illegible] April, 189 [illegible] 34, 11, [illegible] to the Madras Presidency.

[3] This Act was brought into force from 1st February, 1897—*see* Fort St. George Gazette, 1897, Part I, p. 141.

Local extent.

(*3*) It shall extend in the first instance only to the City of Madras, but the Government may, by [1] notification in the *Fort St. George Gazette*, extend it, from such date as may be specified in the notification, to any other local area within the Presidency of Madras.

Limitation of application of Act.

(*4*) But nothing in this Act shall be deemed to apply to any boiler or prime-mover in any steam-vessel, or to any locomotive engine, boiler or prime-mover used upon or appertaining to any railway within the meaning of that word as defined in section 3, clause (4), of the Indian Railways Act, 1890, [2] or to any boiler used exclusively for domestic purposes at atmospheric pressure [3][or to any boiler or prime-mover used in any vehicle or class of vehicles which the Governor in Council may by notification specify]. IX of 189

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

"Boiler."

"Boiler" includes any vessel used for generating steam under pressure and any apparatus closely attached thereto and affected by the steam-pressure;

"Prime-mover."

"Prime-mover" includes any steam-engine, steam-hammer, fly-wheel, first driving shaft or pulley attached to any such engine, and every appurtenance necessary for the safe and efficient working of a prime-mover;

"Owner."

"Owner" includes any agent or hirer using any boiler or prime-mover.

Appointment of Inspectors.

3. (*1*) The Government may, at any time after the passing of this Act, appoint such persons to be Inspectors as it thinks fit, and suspend or remove any person so appointed.

(*2*) The persons so appointed shall, within such local area as the Government may direct, exercise the powers and perform the duties conferred and imposed by or under this Act on an Inspector.

Use of boiler without license prohibited.

4. After such day as the Government may, by notification in the *Fort St. George Gazette*, fix in this behalf, no boiler shall be used unless a license authorizing its use has been granted under this Act and is in force:

Proviso in respect of continued use.

Provided that the owner of a boiler who holds in respect thereof a license as aforesaid, and who, before the expiry of such license, gives to the Inspector for the local area in which the boiler is situated, in Madras not less than seven days and elsewhere not less than thirty days before such expiry, notice of his intention to continue to use the same afterwards, may continue to use or permit the use of the boiler, as allowed by the said license, until it is examined in pursuance of such notice.

---

[1] Extended to the whole of the Madras Presidency from 1st April, 1903, *see* Fort St. George Gazette, 1903, Pt. I, p. 193.

[2] General Acts, Vol. IV.

[3] These words were added by s. 2 of the Madras Steam-boilers and Prime-movers (Amendment) Act, 1904 (I of 1904).

5. (*1*) The owner of any unlicensed boiler shall, before using the same, give notice of his intention to use such boiler to the Inspector for the local area within which it is situated. Owner to give notice of intention to use a boiler

(*2*) On receipt of the notice the Inspector shall appoint a day and time, after sunrise and before sunset, for the examination of the boiler. The day so appointed shall be a day, if the boiler is situated in the City of Madras, not later than seven days, and if it is situated elsewhere, not later than thirty days, from the day on which the notice is received. Inspector to appoint a day for the examination of the boiler

(*3*) On the day and at the time so appointed, the Inspector shall carefully examine the boiler and every part thereof, and the owner or person in charge thereof shall afford to the Inspector all reasonable facilities for the examination, and all such information regarding the boiler as he may reasonably require. Examination by the Inspector

(*4*) Every person giving a notice under this section shall simultaneously pay the fees prescribed for the examination by a rule made under section 23. Payment of fees for examination

6. If, on making the examination under section 5, the Inspector is of opinion that the boiler requires, in view to safe working any alteration or addition he shall refuse to grant a license until the alteration or addition is made, and shall serve on the owner of the boiler within [1][forty-eight] hours of his examination a written notice of his refusal, specifying the alteration or addition which, in his opinion, is required. Inspector may require owner to alter boiler

7. When the Inspector is satisfied that the boiler is in good condition and not so exposed as to be likely to be dangerous, he shall give to the owner thereof a written license, signed by him, in the form prescribed in Schedule A hereto annexed, or in a form to the like effect. When Inspector to grant license

No such license shall remain in force for more than twelve months. Period of license

8. Every license granted under this Act shall state the period for which it is to continue in force, and shall cease to be in force on the expiration of that period. Such license shall also state the pressure beyond which the boiler may not be worked. License to state certain particulars

9. On granting a license under section 7, the Inspector shall register the boiler in such form as the Government may prescribe, and shall allot to it a number to be called the registry number of the boiler. The registry number shall be communicated to the owner and shall, within such reasonable period as the Inspector may direct, be permanently marked upon the boiler by the owner thereof so as to be plainly visible and in such manner as Government may prescribe. Boiler to be registered and marked with registry number

10. (*1*) The owner of any boiler, who shall have obtained a license therefor, shall, at all reasonable times during the period for which such license is in force, be bound to produce the said license when called upon to do so by the Commissioner of Police in the City of Madras, or by the District Magistrate elsewhere, Owner to produce license when called upon.

---

[1] Substituted for "twenty-four" by Mad. Act VII of 1909, *infra*.

or by any person generally or specially authorized in writing by such Commissioner or Magistrate to demand its production.

Transfer of license on change of ownership.

(2) A person who becomes owner of a boiler during the time for which a license therefor is in force shall be entitled to receive the license from the preceding owner and shall be subject to the provisions of clause (1) of this section.

Notice of alteration or renewal in boiler to Inspector.

[1] [(3) If at any time during the period for which a license has been granted under section 7 or section 12, any structural alteration or renewal is made in any part of the boiler to which such license relates, it shall be the duty of the owner of such boiler to give notice in writing of such alteration or renewal to the Inspector of Boilers before the same is begun.]

Report of accidents to Inspector by owner or person in charge.

[2] [**10-A.** (1) It shall be the duty of every owner of, or person in charge of the boiler to report in writing to the Inspector of Boilers within twelve hours of its occurrence every accident to the boiler or to any apparatus attached thereto which is calculated to weaken the strength of such boiler or to render it liable to explode.

(2) Every such report shall contain a true description of the nature of the accident and of the injury thereby caused, sufficient to enable the Inspector of Boilers to judge of the gravity of the accident.

(3) The owner of, or person in charge of the boiler shall be bound to answer truly to the best of his knowledge and ability every question put to him in writing by the Inspector of Boilers as to the cause, nature and extent of the accident.]

Revocation and suspension of license.

11. Any person authorized by the Government in this behalf may revoke or suspend any license granted under this Act in respect of any boiler when he has reason to believe—

(a) that the license has been fraudulently obtained, or has been granted erroneously or without sufficient examination ; or

(b) that the boiler in respect of which it has been granted is not in good condition or has, since the granting of the license, sustained injury ; or

(c) that the registry number is not marked upon the boiler as required by this Act.

Appeal against refusal, etc., of license.

12. (1) The owner of any boiler may appeal from any order made under this Act refusing to grant, or revoking or suspending, a license.

Presentation of appeal.

(2) The appeal shall, within [3] [one calendar month] from the day on which the owner received the order appealed against, be presented in person or otherwise to the Chief Presidency Magistrate in respect of boilers situated in the City of Madras, and to the Magistrate of the District in respect of boilers situated in any other local area to which this Act may be extended.

---

[1] Added by Mad. Act VII of 1909, s. 3, *infra*.
[2] Inserted by Mad. Act VII of 1909, s. 4, *infra*.
[3] These words were substituted for the words "fourteen days" by s. 3 of Madras Act I of 1904.]

Issue of summonses in connection with appeal

(3) Such Magistrate [1] [shall within fifteen days of the receipt of the appeal publicly inquire into and determine the appeal and] shall have power to issue summonses for the attendance of witnesses and the production of documents, and the provisions of the Code of Criminal Procedure[2] shall so far as applicable apply to such summonses and the persons so summoned

Method of hearing appeal.

(4) Such Magistrate [3] [shall] summon to his assistance, in such manner as the Government may direct two competent assessors [4][with the necessary practical knowledge and experience], and such assessors shall attend and assist accordingly

Procedure in case of successful appeal.

(5) If such Magistrate is satisfied that the owner is entitled to the license, he shall grant a license in such form as the Government may, by rule, prescribe, or shall cancel the order revoking or suspending the license as the case may be, he shall further direct that the expenses of the appeal incurred by the appellant, to such amount as may seem reasonable to him, shall be reimbursed from the public funds

Procedure in case of unsuccessful appeal.

(6) If such Magistrate is of opinion that the order appealed against is right, he shall dismiss the appeal, and [5][he may award any sum not exceeding one hundred rupees to be paid by the appellant as costs, any sum so awarded] shall be recoverable from the appellant as if they were arrears of land revenue

Inspector may enter place or building

13 An Inspector may at any time for the purpose of inspecting a boiler, enter into any place or building where he has reason to believe that the same is being used

Government may require certificates of competency

14. The Government may, by notification in the *Fort St George Gazette*, direct that from a date specified and within any defined local area no boiler shall be used unless it is in the direct and immediate management andcharge of a person certified under this Act, as hereinafter provided, to be competent for the charge thereof

Government to make rules for conduct of examinations for certificates and to appoint examiners.

15. Subject to the provisions of section 17, certificates of competency for such charge shall be granted only after examinations conducted under rules framed by Government under section 23 (*d*) of this Act

The examiners shall be appointed by Government, provided that in no case shall an Inspector appointed under this Act be nominated as an examiner

Certificates may be of different classes

16 Certificates of competency may be of different classes and shall qualify the holders thereof to manage or be in charge of boilers of such capacities or kinds as may be prescribed in the rules framed under section 23 (c)

Possession of certain other certificates to entitle holders to certificates under this Act.

17. (*1*) If any person holds a certificate of competency granted under the provisions of any law in British India or in the United Kingdom or in any British colony, he shall be entitled to receive a certificate of competency as aforesaid, without undergoing examination

---

[1] Inserted by Mad Act VII of 1909 s. 5 *infra*

[2] *See* now the Code of Criminal Procedure, 1898 (Act V of 1898) General Acts Vol. V

[3] The word "shall" was substituted for the words "may, if he thinks fit" by s 4 of Madras Act I of 1904

[4] These words were inserted by s. 4 of Madras Act I of 1904

[5] Substituted by Mad Act VII of 1909 s 5 *infra*.

(*2*) The certificate granted under this section shall be of such class as the examiners appointed under section 15, on a consideration of the nature of the certificate held, shall determine.

Certificates of service may be granted to persons possessing proved practical skill.

18. (*1*) The examiners may, in the case of any person who satisfies them that he has served for a period of not less than three years in actual charge and management of a boiler and that he is possessed of adequate practical skill for such work, grant to him a certificate of service to the effect that he is qualified to the like extent as the holder of a certificate of competency of any class which the Board in such certificate of service specifies.

(*2*) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Act.

Cancellation or suspension of certificate after inquiry.

19. (*1*) If, on an inquiry conducted under this Act, it shall be established to the satisfaction of Government that the holder of any certificate granted under this Act is incompetent, or is addicted to drunkenness, or has been guilty of any serious misconduct or negligence, the Government may cancel such certificate, or suspend the same for such time as it shall deem fit.

Pending inquiry holder to surrender certificate.

(*2*) The holder of such certificate shall surrender it pending the result of the inquiry, and, should he fail to do so, the Government may cancel the certificate by notification in the *Fort St. George Gazette.*

Duplicates of certificates may be given.

20. Whenever the holder of a certificate granted under this Act proves to the satisfaction of Government that such certificate has been lost or destroyed, the Government may direct that a duplicate of the same shall be issued; such duplicate shall have the same validity as the original certificate.

Penalties.

[1] **21.** (*1*) Any owner of a boiler who fails to report, as required by section 10, any structural alteration or renewal thereof, and

(*2*) every owner of, or person in charge of any boiler who—

(*a*) uses that boiler in contravention of the provisions of section 4 or in contravention of the terms of the license granted under section 7, or,

(*b*) fails to produce a license when called upon to do so under section 10 of this Act, or,

(*c*) within a local area defined under section 14 allows any boiler to be used when not in the direct and immediate management and charge of a person duly certified as competent under this Act, or

(*d*) fails to report, as required by section 10-A, any accident of the kind mentioned in that section, and

---

[1] Substituted for the original s. 21 by Mad. Act VII of 1909, s. 6, *infra*.

(3) every person who prevents an Inspector from entering, under section 13, any place or building,

shall be punished with fine which may extend to five hundred rupees

Charges not to be brought after six months.

22. No charge of an offence under this Act shall be brought against any person after the expiration of six months from the date of the commission of the offence

Power to make rules after publication.

23. The Government may, at any time after the passing of this Act, after previous publication, make [1] rules consistent with this Act for all or any of the following purposes (that is to say) —

(*a*) for prescribing the powers, duties, mutual relations and official subordination of Inspectors and of officers authorized to revoke and suspend licenses under section 11,

(*b*) for fixing the fees payable on account of examinations made by Inspectors under this Act at rates not exceeding those prescribed in Schedule B,

(*c*) for regulating the grant and record of certificates of competency and of service,

(*d*) for the conduct of examinations for such certificates and for regulating the fees to be charged for admission to the same,

(*e*) for providing for inquiry into an allegation of drunkenness, misconduct or negligence on the part of the holder of a certificate of competency or service;

(*f*) generally for carrying out the purposes of this Act

Act may be applied to prime movers by notification

24. (*1*) The Government may, by notification,—

(*a*) apply so much of this Act as relates to the licensing, inspection or management of boilers to prime movers generally, or to prime-movers of any particular class, in any local area in which this Act is, at the time, in force, and

(*b*) cancel any such notification

(*2*) While any such notification is in force in any local area, in the provisions of the Act thereby made applicable the word "boiler" shall be held to include "prime-mover," so far as such local area is concerned

---

[1] For rules under s. 23, *See* Fort St. George Gazette, 1910, Pt. I, p. 215

SCHEDULE A.

(*See section 7.*)

FORM OF LICENSE.

Name of owner.	Registry number and description of boiler and age.	Power.	When and where made.	When and where last repaired.	Time for which this license is to be in force.	Maximum pressure at which the boiler may be worked.	Remarks.

I, the undersigned, certify that I have examined the boiler above described, and, to the best of my judgment, it is in good condition, and is not so exposed as to be likely to be dangerous.

A.B.,
Inspector.

SCHEDULE B.

(*See section 23 (b).*)

MAXIMUM RATES OF FEES LEVIABLE FOR EXAMINATIONS OF BOILERS.

	RS.
(1) For the examination of each boiler not exceeding 10 horse power nominal	15
(2) Ditto ditto exceeding 10 but not exceeding 20 ditto . .	20
(3) Ditto ditto exceeding 20 but not exceeding 30 ditto .	30
(4) Ditto ditto exceeding 30 but not exceeding 50 ditto . .	40
(5) Ditto ditto exceeding 50 ditto	50

MADRAS ACT No V OF 1893[1]

[THE MADRAS REVENUE ENQUIRIES ACT, 1893]

[8th April, 1893, 25th August, 1893]

An Act for facilitating enquiries into matters connected with the administration of the Revenue and into the conduct of Public Servants.

Preamble.

WHEREAS it is expedient to make further provision to facilitate enquiries into matters connected with the administration of the revenue and into the conduct of public servants, It is hereby enacted as follows —

Local extent

1. This Act extends to the whole of the Presidency of Madras

Officer deputed to make enquiries invested with certain powers.

2. The Government may, by order, invest any officer deputed by it to make an enquiry into any matter connected with the administration of the revenue or into the conduct of any public servant as such with power to summon any person to appear before such officer or to produce any document or thing in the possession or under the control of such person the production of which, in the opinion of such officer, is necessary to the conduct of such enquiry.

Application of certain portions of Madras Act III of 1869

3. The provisions of sections 2, 3, 4 and 5 of Madras Act III of 1869[2] shall, *mutatis mutandis*, apply to summonses issued under this Act

Examination of witnesses

4. Any officer making an enquiry under this Act may examine orally any person supposed to be acquainted with the matter under enquiry or any fact relevant thereto, and may reduce into writing any statement made by the person so examined

Such person shall be bound to answer truly all questions relating to such matter put to him by such officer, other than questions the answers to which would have a tendency to expose him to criminal charge or to a penalty or forfeiture

Statements of witnesses not to be used as evidence in certain cases.

No such statement, when taken in the absence of a public servant whose conduct is under enquiry, shall be used as evidence against such public servant in any judicial proceeding

---

[1] Short title [illegible]

[2] Printed, *supra*.

MADRAS ACT No. I OF 1894.[1]

[THE MADRAS BOARD OF REVENUE ACT, 1894.]

[*24th November, 1893 ; 4th January, 1894.*]

An Act to provide further for the conduct of business by the Board of Revenue.

WHEREAS it is expedient to provide further for the conduct of business by the Board of Revenue ; It is hereby enacted as follows :—

1. [*Repeal.*] *Rep. by the Repealing and Amending Act, 1901 (XI of 1901.)*

Board may distribute business subject to approval of Government.

2. Notwithstanding anything contained in Regulation I of 1803, in Regulation V of 1804, or in any other enactment in force in the Presidency of Madras, it shall be lawful for the Board of Revenue, subject to the approval of Government, to declare what portion of the business of the Board may be disposed of by a single member or by two members, and what portion shall be reserved for the decision of a Collective Board. Every such declaration shall, after approval by Government, be notified in the Fort St. George Gazette :

Proviso.

Provided that, in the case of any subject reserved for disposal by a single member or by two members, the said member or members may refer it, after consideration, for the opinion of another member or for the decision of a Collective Board, as the case may be, and that, where the opinions of two members differ, they shall refer the subject for the decision of a Collective Board.

Orders of one or more members to be orders of Board.

3. All orders made and decisions passed by one or more members of the Board in accordance with a declaration made under the last preceding section or with its proviso shall be held to be the orders and decisions of the Board of Revenue, and the same shall not be deemed invalid by reason that subsequent thereto the said declaration was disapproved by Government.

A Collective Board.

4. Not less than three members of the Board shall be held to constitute a Collective Board.

---

[1] Short title, "The Madras Board of Revenue Act, 1894"—was given by the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 24th January, 1893, p. 1 ; for Report of the Select Committee, *see ibid*, dated 16th May, 1893, p. 1 ; for Proceedings in Council, *see ibid*, dated 2nd May, 1893, p. 18 ; and *ibid*, dated 21st November, 1893, p. 17.

The Governor General's assent to the Act was first published in the Fort St. George Gazette of 23rd January, 1894.

See Mad. Act I of 1902, s. 7 (*1*) *infra*.

MADRAS ACT No. II of 1894.[1]

[The Madras Proprietary Estates' Village-service Act, 1894.]

[8th February, 1894; 29th March, 1894.]

An Act to amend the law relating to village-officers in permanently-settled and certain other Estates

Whereas it is expedient to amend the law relating to village-officers in permanently-settled estates, in unsettled pálaiyams, and in inám villages, and to make better provision for their appointment and remuneration, and for the prevention and summary punishment of misconduct or neglect of duty on their part, and generally for securing their efficiency; It is hereby enacted as follows:— Preamble.

CHAPTER I.

Preliminary.

1. This Act may be called the Madras Proprietary Estates' Village-service Act, 1894. Short title.

2. The Government may, by notification, extend this Act or any portion thereof to any estate within the Presidency of Madras, and to the office of any of the following classes of village-officers, by whatever designations such village officers may be locally known, in such estates:— Extent.

(1) village-accountants;
(2) heads of villages;
(3) village watchmen or police officers;[2] [and may at any time rescind, revoke, amend or vary, any such notification.]

In case of doubt whether a village-officer in any estate falls under any of the above classes, the Government shall have power to decide whether such village-officer comes under any of the above classes and, if so, under which of them.

3. Upon the extension of this Act or of any portion thereof to the office of village-accountant in any estate, section 11 of Madras Regulation XXV of 1802[3] and Madras Regulation XXIX of 1802[3] (*a Regulation for establish-* Repeal.

---

[1] Introduced as a Bill to amend the law in regard to "Karnams and other Village-officers," etc.

ibid, dated 6th February, 1894, p. 6.

The Governor General's assent to this Act was published in the Fort St. George Gazette of

," and "the

pealing and

ing the office of karnam and defining the duties of the said office) shall cease to be in force in such estate.

Interpretation-clause. **4.** In this Act, unless there is something repugnant in the subject or context—

Estate. "estate" means—

(*a*) any permanently-settled estate, whether a zamindári, jághir, mitta or pálaiyam;

(*b*) any portion of such permanently-settled estate which has been separately registered in the office of the Collector;

(*c*) any unsettled palaiyam [[1] or jághir];

(*d*) any inam village of which the grant was made or confirmed by the British Government;

(*e*) any portion, consisting of one or more villages, of any of the estates specified above in clauses (*a*), (*b*) and (*c*), which is held on a permanent under-tenure:

"Proprietor." "proprietor" means any person in whose name any estate is for the time being registered in the office of the Collector of the district wherein the estate is situated and, in respect of an estate specified above in clause (*e*), the holder thereof;

where an estate is so registered in the names of two or more persons as joint owners thereof, the proprietor shall, for the purposes of this Act, be the person who is recognized by the other joint-owners as the manager of the estate or who, in case of dispute, is recognized and registered by the Collector as senior joint-owner:

[2] [If one or more villages or portion thereof in any estate be grouped or amalgamated with one or more villages or portions thereof, in any other estate, the Collector shall declare which of the proprietors of the said villages, shall, for the purposes of this Act, be the proprietor of the new village.]

[3] * * * * * *

"Village" "village" means any local area situated in or constituting an estate to which this Act or any portion thereof has been extended and which is now recognized as a village or which may hereafter be declared by Government for the purposes of this Act to be a village:

"Village-office" and "Village-officer." "village-office" means, in respect of any estate, an office in such estate to which this Act or any portion thereof has been extended by notification under section 2; and "village-officer" means a person holding or discharging the duties of such office.

---

[1] These words were inserted by Mad. Act III of 1895, s. 2 (*3*), with effect from 1st October, 1895.

[2] This paragraph was added by Mad. Act III of 1914.

[3] The proviso which was inserted by s. 1 of Mad. Act IV of 1900, was repealed by Mad. Act VI of 1911, s. 2 *infra*.

CHAPTER II.

VILLAGE-ESTABLISHMENTS; THEIR STRENGTH, APPOINTMENT AND CONTROL.

5. Every proprietor shall, within three months after requisition from the District Collector, prepare a register containing particulars of all the village-officers and village servants employed in his estate and of their emoluments and duties in a form to be prescribed by the Board of Revenue, and shall submit it to the District Collector *Register of village officers to be prepared and submitted to Collector on requisition*

Provided that the said Collector may at his discretion extend the period for the submission of the said register

6. (1) Whenever it appears to the District Collector that, as a matter of administrative convenience, it is desirable that any portion of a village should be registered as a separate village, or that two or more villages or portions thereof [1][* * *] should be grouped or amalgamated, he shall, by notice in writing, require the proprietor [1][or proprietors concerned] and also the village-officers likely to be affected by the proposed change to show cause, within three months after service of such notice, why such portion of a village should not be so registered or such villages or portions thereof be so grouped or amalgamated *Division and grouping of villages.*

(2) If the [2][proprietors] or the village officers aforesaid fail to show such cause, the said Collector shall submit the records of the proceedings to the Board of Revenue, and shall then, with the previous sanction of the said Board, declare by notification in the District Gazette such portion of a village or such villages or portions thereof so grouped or amalgamated to be a village for the purposes of this Act, and shall cause such notification to be published in the said village and a copy thereof to be furnished to the proprietor[2][s] Before according such sanction the Board of Revenue shall consider any representations which may be made to it within three months of the Collector's submission of the record by the proprietor[2][s] or by the village-officers aforesaid or by others affected

[3] * * * * * *

7. In every village there shall be maintained so many and such village-officers as the District Collector, subject to the orders of the Board of Revenue, may direct *Such establishment as Collector requires to be maintained in each village.*

8. Every vacancy caused by the death or resignation of a village officer shall, within thirty days after the occurrence thereof, be reported by the pro- *Vacancies in village-offices to be reported by proprietor*

[1] The words " in any estate " were omitted, and the words in square brackets were sub

prietor to the Revenue-officer in charge of the division of the district wherein such village is situated.

Proprietor to appoint new officer but to report fact to Divisional Officer.

9. When a vacancy has occurred in a village-office or the District Collector directs that a village-officer shall be appointed to a newly created village-office, the proprietor of the village shall, within six weeks, appoint a person to such vacant or newly created village-office and send notice of the appointment in writing, in such form as the Board of Revenue may, by rules made under section 32, prescribe, to the Revenue-officer in charge of the division of the district in which the village is situated.

Rules to be observed in making appointments.

10. In making an appointment under section 9 the proprietor shall observe the rules contained in the following sub-sections :—

General qualifications requisite in all cases.

(*1*) No person shall be eligible for appointment to any village-office who—

(*a*) is not of the male sex ;

(*b*) has not attained the age of majority ;

(*c*) is not physically and mentally capable of discharging the duties of the office ;

(*d*) has not qualified according to the educational test prescribed for the office in question by the Board of Revenue by rules made under section 32 ;

(*e*) has been convicted by a Criminal Court of any offence which, in the opinion of the Revenue-officer in charge of the division or of the District Collector, disqualifies him for holding the office.

Primogeniture to be observed in cases of hereditary office.

(*2*) The succession to all hereditary village-offices shall devolve on a single heir according to the general custom and rule of primogeniture governing succession to impartible zamíndárís in Southern India.

In certain cases person other than direct heir may be appointed.

(*3*) Where the next heir to an hereditary village-office is not qualified under sub-section (*1*), the proprietor shall appoint the person next in order of succession who is so qualified, and, in the absence of any such person in the line of succession, may appoint any person duly qualified under sub-section (*1*).

Divisional Officer may, after, in certain cases, holding inquiry, require proprietor to appoint another person.

11. (*1*) If the Revenue-officer to whom notice of appointment is sent under section 9 considers the person appointed to be qualified under sub-section (*1*) of the preceding section, he may, at any time within three months from the date of the receipt by him of the said notice of appointment, and, in cases falling under clauses (*c*) and (*e*) in sub-section (*1*) of section *10*, after giving notice to the parties concerned and making inquiry, record his objections and call upon the proprietor to appoint another person, and the proprietor shall thereupon do so and send notice of such new appointment to the said Revenue-officer within six weeks after such requisition :

Provided that the person first appointed by the proprietor shall discharge the duties of the office and be entitled to the emoluments thereof until his appointment is set aside and another person is appointed in his place

(2) If the notice of appointment referred to in section 9 or the notice of the new appointment referred to in sub section (1) is not received within the prescribed time, or if the person newly appointed under sub section (1) is also considered by the said Revenue officer, after giving notice and making inquiry as aforesaid, to be disqualified as aforesaid such officer may make the appointment himself by selecting a person duly qualified under section 10 — In certain cases Divisional Officer may himself make the appointment

(3) Whenever an appointment is disallowed under this section an appeal shall lie to the District Collector within one month or, if the officer disallowing the appointment is the District Collector, an appeal shall lie to the Board of Revenue within three months — Appeal allowed

12. Where an hereditary village office has become vacant by the dismissal or suspension of the last holder, the authority by whom he was dismissed or suspended may direct that, until the death or return to duty of such last holder, the duties of the office shall be performed by some person duly qualified under sub section (1) of section 10 who is not an undivided member of the family of the dismissed or suspended officer, to be appointed by the proprietor subject to the approval of the Revenue officer in charge of the division — In certain cases appointment of member of family of last holder may be prohibited.

Provided that, when the officer who has been dismissed dies, or if the officer who has been suspended dies while under suspension, the vacancy caused by such death shall be filled up in accordance with the provisions of sub sections (2) and (3) of section 10

13 (1) When the person who would otherwise be entitled to succeed to an hereditary village office is a minor, the proprietor shall submit his name to the Revenue officer in charge of the division for registration as the heir of the last holder, and shall, at the same time and subject to the approval of the said Revenue officer, appoint some other person qualified under sub section (1) of section 10 to discharge the duties of the office until the person registered as heir, on attaining majority or within three years thereafter, is qualified under sub section (1) of section 10 to discharge the duties of the office himself, when he shall be appointed thereto by the proprietor — Procedure to be adopted where heir of last holder is a minor

If the person registered as heir under this section dies, or if he remains disqualified under sub section (1) of section 10 for three years after attaining majority, the vacancy shall be filled up in accordance with the provisions of sub sections (2) and (3) of section 10

14. (1) If a vacancy is caused by the resignation, dismissal, removal or suspension of the holder of an hereditary village office and the authority by whom he was dismissed or suspended does not give the direction referred to in section 12, the vacancy shall be filled up in accordance with the provisions of this Act as if it had been caused by the death of the said holder — Procedure to be ordinarily adopted in case of resignation, dismissal, removal or suspension of officer

Provided that, upon the expiry of the period of suspension of an officer who has been suspended, or if, for any reason, an officer who has been dismissed,

removed or suspended is permitted to resume the office from which he has been dismissed, removed or suspended, the person appointed to fill the vacancy caused by the said suspension, dismissal or removal shall cease to hold office.

(*2*) The provisions of section 11 shall, *mutatis mutandis*, apply to appointments to be made under this section and sections 12 and 13.

Appointments how to be made in grouped and divided villages.

15. (*1*) When two or more villages or portions thereof are grouped or amalgamated under this Act to form a single new village, or any village is divided into two or more villages, all the village-offices of the villages or village so grouped, amalgamated or divided shall cease to exist and new offices which shall be hereditary if any of the offices they replace were hereditary shall be created for the new village or villages. In choosing persons to fill such new offices, the proprietor shall select the persons whom he may consider the best qualified from among the [[1]families of the last] holders of the offices which have been abolished and shall report his action to the Revenue-officer in charge of the division.

Who to be retained in case of reduction of establishment.

(*2*) If in any village two or more village-offices of any one class exist and the District Collector, acting under section 7, considers that a reduction in the number of such offices is necessary, he shall give notice to that effect to the proprietor, who shall thereupon dispense with the services of the officers no longer required, shall retain those whom he may consider to be best qualified to discharge the duties of the remaining offices, and shall report his action to the Revenue-officer in charge of the division.

Divisional Officer to exercise powers of proprietor in certain cases.

(*3*) If the proprietor fails to submit the report referred to in sub-sections (*1*) and (*2*) within six weeks of the creation of the new offices or of the issue of the District Collector's notice directing a reduction in the number of village-offices, the powers vested in the proprietor by sub-sections (*1*) and (*2*) may be exercised by the Revenue-officer in charge of the division.

Proprietor if specially empowered may punish village-officers by fine, subject to appeal.

16. (*1*) A proprietor empowered in this behalf by the Board of Revenue may, after inquiry, fine any village officer, to the extent of three rupees, for misconduct or neglect of duty as such village-officer, and shall record his reasons for so doing in writing and furnish a copy of the same to such village-officer and to the Revenue-officer in charge of the division. An appeal shall lie within one month from the date of furnishing such copy against such fine to the said Revenue-officer, whose decision shall be final.

The powers conferred under this sub-section by the Board of Revenue on any proprietor may, at any time, be withdrawn.

Collector and Divisional Officer may fine, suspend, dismiss or remove village-officers

(*2*) The District Collector or Revenue-officer aforesaid may, of his own motion or on complaint and after inquiry, fine, suspend, dismiss or remove any village-officer for misconduct or for neglect of duty or incapacity as such village-officer or for non-residence in the village, and shall record his

---

[1] These words were inserted by Mad. Act III of 1895, s. 2, cl. (3), with effect from 1st October, 1895.

reason for so doing in writing and furnish a copy of the same to the proprietor and to the village officer concerned Every village officer convicted of an offence of the kind mentioned in sub section (*1*) (*e*) of section 10 shall be dismissed

(3) Against every order passed by the District Collector or Revenue-officer aforesaid under sub section (2) an appeal shall lie to the Board of Revenue within three months or to the District Collector within one month, as the case may be

Appeals against orders passed under sub section (2).

The decision on appeal of the Board of Revenue or the said Collector, as the case may be, shall be final Provided that a second appeal shall lie within three months to the Board of Revenue against the order of the District Collector confirming on appeal the order of the Revenue officer in charge of the division dismissing a village officer

CHAPTER III

THE VILLAGE SERVICE CESS, ITS AMOUNT AND APPORTIONMENT AND THE METHOD AND INCIDENTS OF ITS LEVY

17. If the remuneration of a village office consists in whole or in part of lands, or assignments of revenue payable in respect of lands, granted or continued in respect of or annexed to such village office by the State, the Government may enfranchise the said lands from the condition of service by the imposition of quit rent under the rules for the time being in force in respect of the enfranchisement of village service inams in villages not permanently settled or under such rules as the Government may lay down in this behalf, such enfranchisement shall take effect [1][from such date as the Government may notify]

Government may enfranchise village-service inams by imposition of quit rent.

Date from which enfranchisement to take effect.

Proviso

Provided that the said enfranchisement shall be applicable to all lands or assignments as aforesaid even though, at the time this Act comes into force they may not be devoted to the purpose for which they were originally granted,

and provided, further, that any lands or emoluments derived from lands which may have been granted by the proprietor for the remuneration of village-service and which are still so held or enjoyed may be resumed by the grantor or his representative

18 to 26. *Repealed by the Madras Proprietary Estates Village-service (Amendment) Act, 1914 (Mad Act III of 1914)*

[1] These words in square brackets were substituted for the words "on or after the date fixed in the notification issued under section 19 for the levy of a village service cess" by Mad. Act III of 1914

Payments in excess of permanent assessment lawful in certain cases.

27. On or after the date notified under [1][the provisions of this Chapter]

(*1*) if in any estate the cost of village-establishments was provided for by a reduction of the permanent assessment on the condition that the amount of such reduction should be devoted to paying the village-establishments, it shall be lawful for the Government to require the proprietor to pay, along with the present permanent assessment, such sum, not exceeding the amount of such reduction as represents the annual remuneration at the time of such reduction of the classes of village-officers brought within the scope of this Act;

(*2*) where the said cost of village-establishments was provided for by a deduction from the assets of an estate before its permanent assessment was fixed, it shall be lawful for the Government to require the proprietor to pay, along with the present permanent assessment, a sum equal to that by which it would have been increased had no such deduction been made on account of the remuneration of the classes of village-officers brought within the scope of this Act;

in either of the cases referred to in sub-sections (*1*) and (*2*), the proprietor shall no longer be liable for the payment of such classes of village-officers; [1][* * * *];

Permanent assessment shall be reduced in certain cases.

(*3*) where the cost of maintaining any office to which this Act has been extended under section 2, and which is in existence in an estate at the date upon which this Act is extended thereto was included in the assets upon which the permanent assessment of the estate was fixed, the said permanent assessment shall be reduced to the amount at which it would have been fixed had no such inclusion in the assets taken place;

Rent may be raised or reduced in certain cases.

(*4*) if, in any case, the rent payable to a proprietor in respect of any land has been fixed under an agreement, subsisting on the date of this Act coming into force, to the effect that any portion of the remuneration of the village-officers shall be borne by the tenant or the proprietor, as the case may be, it shall be lawful for the proprietor or tenant to apply to the Collector for sanction to increase the said rent or to demand its reduction; and the Collector shall, upon receipt of such application and upon satisfactory proof of the justice of the claim, grant such sanction and increase or reduce the rent to the amount at which it would have been fixed had no such agreement been entered into.

---

[1] These words were substituted for the word and figures "section 19" by Mad. Act III of 1914, s. 9 and
the words "and the payments made along with the permanent assessment shall be credited to the Proprietary Estates' Village-service Fund" were omitted by *ibid*.

CHAPTER IV

THE VILLAGE SERVICE FUND, ITS CONSTITUTION AND THE PAYMENT OF SALARIES THEREFROM

28. [*Proprietary Estates' Village service Fund*] *Rep by the Mad Proprietary Estates' Village-service (Amendment) Act, 1914 (Mad Act III of 1914)*

29. On or after the date notified in any estate under [1][the provisions of Chapter III] the village officers shall be paid [1][* * * *] the salaries and other allowances to which they may be entitled according to such scale and in such manner as may be prescribed by the Board of Revenue by rules made under section 32 Salaries and allowances of village officers to be paid from fund after date to be notified

30. On or after the date notified in any estate under [1][the provisions of Chapter III] all fees, contributions and allowances collected or demandable in such estate for the remuneration of village officers shall absolutely cease and determine No fee etc to be collected or demanded in respect of village officers after date to be notified.

Whoever, thereafter, in such estate demands, collects or receives such fees, contributions, or allowances shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees Penalty for demanding fees etc

---

CHAPTER V

GENERAL

31. (*1*) Every proprietor who wilfully omits— Penalties.

(*a*) to furnish a register as required by section 5,

(*b*) to submit the name of a minor heir as required by section 13,

[2][* * * * *]

shall be liable to the imposition by the District Collector of a penalty not exceeding one-hundred rupees for every such omission Provided that a proprietor wilfully omitting to furnish the register required by section 5 shall be liable to a further penalty not exceeding twenty-five rupees for each day during which the omission continues after the imposition of the first penalty A Penalties.

---

[1] These words were substituted for the word and figures 'section 19' and the words 'from the aforesaid fund of the district in which the estate is situated' were omitted by Mad. Act III of 1914

[2] Clause (c) was omitted by ibid The original clause ran as follows — (c) to furnish the Collector with the list required by section 21

of the holders thereof; and for certain other purposes; It is hereby enacted as follows :—

Title, commencement and extent.

1. (*1*) This Act may be called the Madras Hereditary Village-Offices Act, 1895; and it shall come into force from such date as may be notified by Government.[1]

(*2*) Section 5 applies to the whole of the Presidency of Madras; the rest of the Act applies to the whole of the said Presidency except the scheduled districts as defined in the Scheduled Districts Act, 1874.

Repeal.

2. (*1*) [2]* * * * * * On and after the commencement of this Act, no portion of Madras Regulation XXIX of 1802 shall continue to apply to any local area which is not a permanently-settled proprietary estate.

Amendment of Act XXIV of 1859.

(*2*) From the preamble of Act XXIV of 1859 (An Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George), the words "and improve the condition of the village police" shall be omitted; and, for the definition of the word "Police" in section 1 of the same Act, shall be substituted the following clause, namely:—

"The word 'Police' shall include all persons appointed under this Act."

Amendment of Madras Act II of 1894.

(*3*) In clause (*c*) of the definition of the word "Estate" in section 4 of the Madras Proprietary Estates' Village Service Act, 1894, after the word "palaiyam" shall be inserted the words "or jaghir"; and, in sub-section (*1*) of section 15 of the same Act between the words "among the" and the words "holders of the offices", shall be inserted the words "families of the last."

Classes of village-offices to which Act applies.

3. This Act shall apply to the following classes of village-offices, provided that emoluments have been attached thereto :—

[3](1) hereditary village-offices existing in ryotwari villages or inam villages which for the purpose of village administration are grouped with ryotwari villages and belonging to the following six classes, by whatever designation they may be locally known, namely :—

(i) village munsifs,
(ii) potels, monigars and peddakapus,
(iii) karnams,
(iv) nirgantis,
(v) vettis, totis and tar dalgars,
(vi) talayaris;

The Local Government shall have power to decide what officers come under any of the above classes.

---

[1] The Act was brought into force from 1st October 1895—Revenue Notification No. 464, dated 22nd August, 1895, *Fort St. George Gazette*, 1895, Part I, page 1002.

[2] The words and figures "Madras Regulations II of 1806 and VI of 1831 are hereby repealed; and" were repealed by the Repealing and Amending Act, 1901 (XI of 1901), Third Schedule.

[3] This clause was substituted for the original clause (1) by the Repealing and Amending Act, 1907 (IV of 1907), Schedule —A.

(2) hereditary village-offices to which the Madras Proprietary Estates' Village Service Act, 1894, is extended,

(3) other hereditary village-offices in proprietary estates except (i) the offices forming class (4) below and (ii), in proprietary estates wherein Madras Regulation XXIX of 1802 remains in force, the office of village accountant,

(4) the hereditary offices of village artizans and village servants such as the following, namely —

(i) the village carpenter,
(ii) the village blacksmith,
(iii) the village barber,
(iv) the village washerman,
(v) the village potter,
(vi) the village astrologer,
(vii) the village purohit or priest

Definitions.

4. In this Act, unless there is something repugnant in the subject or context,—"Emoluments" means and includes—

(i) lands,
(ii) assignments of revenue payable in respect of lands,
(iii) fees in money or agricultural produce,
(iv) money salaries and all other kinds of remuneration,

granted or continued in respect of, or annexed to, any office by the State

"Proprietary estate" and "Proprietor" mean, respectively, an Estate and Proprietor as defined in the Madras Proprietary Estates Village Service Act, 1894, as amended by this Act

"Village" means any local area now recognized as a village or hereafter declared by Government to be a village

Emoluments attached by the State to certain offices inalienable and not liable to attachment.

5. The emoluments of village-offices, whether such offices be or be not hereditary, and, in the scheduled districts as defined in the Scheduled Districts Act, 1874, all *such emoluments and other emoluments granted or continued* in remuneration for the performance of duties connected with the collection of the revenue or the maintenance of order, shall not be liable to be transferred or encumbered in any manner whatsoever and it shall not be lawful for any Court to attach or sell such emoluments or any portion thereof

Villages may be grouped or divided.

6. *(1)*[1][In any local area in which this Act is in force] the Board of Revenue may, subject to rules made in this behalf under section 20, group or amalgamate any two or more villages or portions thereof so as to form a single new village, or divide any village into two or more villages and, thereupon, all hereditary village offices [2][of the classes defined in section 3, clause (1), of this

Schedule—A.

[2] These words were substituted for the original words "to which the said Act applies" by *ibid*

Effect of grouping and division upon village offices.

Act] in the villages or portions of villages or village grouped, amalgamated or divided as aforesaid, shall cease to exist and new offices, which shall also be hereditary, shall be created for the new village or villages. In choosing persons to fill such new offices, the Collector shall select the persons whom he may consider the best qualified from among the families of the last holders of the offices which have been abolished.

Reduction of village-offices.

(2) If two or more village-offices exist [1][in any ryotwari village or in any inam village which for the purpose of village administration is grouped with a ryotwari village] the Board of Revenue may, subject to the approval of Government, direct that the number of such village-offices shall be reduced and, thereupon, the Collector shall dispense with the services of the officers no longer required, and shall retain those whom he may consider to be best qualified to discharge the duties of the remaining offices.

Power of Collector over village-officers in Government villages and proprietary estates.

7. (*1*) The Collector may, of his own motion or on complaint and after inquiry, fine, suspend, dismiss or remove the holder of any of the offices forming class (1) in section 3, and suspend, dismiss or remove the holder of any of the offices forming class (3) in the said section, for misconduct or for neglect of duty or incapacity or for non-residence in the village or for any other sufficient cause, and shall make a record of his reasons for so doing in writing and furnish a copy of the same to the village-officer concerned:

Proviso.

Provided that, when a Village Munsif who is also the head of the village is suspended or removed under the Madras Village Courts Act, 1889, such suspension or removal shall involve his suspension or removal from the office of head of the village. Ma 188

Power of Tahsildar and Deputy Tahsildar over village officers in Government villages.

(*2*) A Tahsildar or Deputy Tahsildar may, of his own motion or on complaint and after inquiry, fine the holder of any of the offices forming class (1) in section 3, for any of the causes specified in sub-section (*1*) and in such amount as the Board of Revenue may, by general or special order, prescribe. The provisions of sub-section (*1*) in regard to the recording of reasons and the furnishing of copies shall apply to proceedings taken under this sub-section.

Power of proprietor over village officers in proprietary villages.

8. A proprietor may, of his own motion or on complaint and after inquiry, suspend, dismiss or remove the holder of any of the offices in his estate forming class (3) in section 3, except the village accountant, the head of the village and the village watchman or police-officer, for misconduct or for neglect of duty or incapacity or for non-residence in the village or for any other sufficient cause, and shall make a record of his reasons for so doing in writing and furnish a copy of the same to the village officer concerned.

Limitation of power of Collector over certain officers in proprietary estates.

9. The powers conferred on a Collector by sub-section (*1*) of section 7 over the holders of the village offices forming class (3) in section 3, except the offices of village accountant, head of the village and village watchman or police-

---

[1] These words were substituted for the original words "in any village in which the Madras Village Cess Act, 1893, is in force" by the Repealing and Amending Act, 1907 (IV of 1907), Schedule—A.

officer, shall not be exercised, unless, for reasons to be recorded in writing, the Collector is satisfied that the proprietor concerned has neglected to exercise in an adequate manner the powers conferred on him by section 8

10. When a vacancy occurs in any of the village-offices forming class (1) in section 3, the Collector shall fill up the vacancy in accordance with the provisions of the following sub sections — Rules to be observed in making appointments to certain offices in Government villages

(1) No person shall be eligible for appointment who— General qualifications requisite in all cases.

(*a*) is not of the male sex,

(*b*) has not attained the age of majority,

(*c*) is not physically and mentally capable of discharging the duties of the office,

(*d*) has not qualified according to the educational test prescribed for the office in question by the Board of Revenue by rules made under section 20,

(*e*) has been convicted by a Criminal Court of any offence which, in the opinion of the Collector, disqualifies him for holding the office

(2) The succession shall devolve on a single heir according to the general custom and rule of primogeniture governing succession to impartible zamindaris in Southern India Primogeniture to be observed

(3) Where the next heir is not qualified under sub section (1) the Collector shall appoint the person next in order of succession who is so qualified, and in the absence of any such person in the line of succession, may appoint any person duly qualified under sub section (1) In certain cases person other than direct heir may be appointed

(4) Where an office has become vacant by the dismissal or suspension of the last holder, the Collector may direct that, until the death or return to duty of such last holder, the duties of the office shall be performed by some person duly qualified under sub-section (1) who is not an undivided member of the family of the dismissed or suspended officer, provided that, when the officer who has been dismissed dies or if the officer who has been suspended dies while under suspension, the vacancy caused by such death shall be filled up in accordance with the provisions of sub sections (2) and (3) Temporary disqualification of heir in certain cases

(5) When the person who would otherwise be entitled to succeed to an office is a minor, the Collector shall register the minor as the heir of the last holder and appoint some other person qualified under sub section (1) to discharge the duties of the office until the person registered as heir, on attaining majority or within three years thereafter, is qualified under sub-section (1) to discharge the duties of the office himself, when he shall be appointed thereto If Procedure to be adopted where heir is a minor

the person registered as heir under this sub-section dies, or if he remains disqualified under sub-section (1) for three years after attaining majority, the Collector shall fill up the vacancy as provided in sub-sections (2) and (3).

Method of filling up vacancy caused by resignation, dismissal, removal or suspension.

(6) If a vacancy is caused by the resignation, dismissal, removal or suspension of the holder of an office, and the Collector does not give the direction referred to in sub-section (4), he shall fill up the vacancy in accordance with the provisions of this section as if it had been caused by the death of the said holder; provided that, upon the expiry of the period of suspension of an officer who has been suspended, or if, for any reason, an officer who has been dismissed, removed or suspended is permitted to resume the office from which he has been dismissed, removed or suspended, the person appointed to fill the vacancy caused by the said suspension, dismissal or removal shall cease to hold office.

Rules to be observed in making appointments to certain offices in proprietary estates.

11. When a vacancy occurs in a proprietary estate in any of the offices forming class (3) in section 3, the proprietor shall fill up the vacancy in accordance with the provisions of the following sub-sections:—

General qualifications requisite in all cases.

(1) No person shall be eligible for appointment who—

(*a*) is not of the male sex;

(*b*) has not attained the age of majority;

(*c*) is not physically and mentally capable of discharging the duties of the office.

Law or custom of succession to be observed.

(2) The succession shall devolve in accordance with the law or custom applicable to the office in question at the date on which this Act comes into force.

In certain cases person other than direct heir may be appointed.

(3) Where the next heir is not qualified under sub-section (1), the proprietor shall appoint the person next in order of succession who is so qualified, and, in the absence of any such person in the line of succession, may appoint any person duly qualified under sub-section (1).

Procedure to be adopted where heir is a minor.

(4) When the person who would otherwise be entitled to succeed to an office is a minor, the proprietor shall register the minor as the heir of the last holder and appoint some other person qualified under sub-section (1) to perform the duties of the office until the person registered as heir is qualified under sub-section (1) to discharge the duties of the office himself, when he shall be appointed thereto. If the person registered as heir under this sub-section dies, or if, on attaining majority, he proves to be disqualified under clause (*c*) of sub-section (1), the proprietor shall fill up the vacancy as provided in sub-sections (2) and (3).

12. The succession to village-offices forming class (4) in section 3 shall devolve in accordance with the law or custom applicable thereto at the date on which this Act comes into force. In case of village artizans' law or custom of succession to be observed

13. (*1*) Any person may sue before the Collector for any of the village-offices specified in section 3 or for recovery of the emoluments of any such office, on the ground that he is entitled under sub-section (2) or (3) of section 10 of the Madras Proprietary Estates' Village Service Act, 1894, or under sub-section (2) or (3) of section 10 or sub-section (2) or (3) of section 11 or section 12 of this Act, as the case may be, to hold such office and enjoy such emoluments, or, being a minor, may sue before the Collector to be registered as heir of the last holder of any such office. Provisions relating to suits for offices for recovery of emoluments and for registry as heir

Provisos —

(i) No suit shall be entertained for a mere declaratory decree. No suit for declaratory decree.

(ii) When one of the facts in issue in a suit is whether the emoluments of the office consist of land or of an assignment of revenue payable in respect of land, the Collector shall decide the claim on the assumption that only the said assignment constitutes the emoluments, but such decision shall not bar the right of the claimant to institute a suit in a Civil Court for recovery of the land itself. Procedure in case of dispute as to nature of emoluments.

(*2*) If at any time before the completion of the trial of a suit preferred under this section for any office or for the recovery of the emoluments of any office, it appears to the Collector that the claimant is not eligible for appointment under sub-section (1) of section 10 of the Madras Proprietary Estates' Village Service Act, 1894, or under sub-section (1) of section 10 or sub-section (1) of section 11 of this Act, as the case may be, he shall pass an order rejecting the plaint. Rejection of plaint when claimant is ineligible for appointment

14. (*1*) No suit preferred before a Collector under the last preceding section shall be entertained which is not preferred within three years from the date of the cause of action arising, whether such date be before or after the commencement of this Act. Limitation of time within which suits may be brought

Provided that, in the case of a person who, by reason of minority, was disqualified for holding office, the right to sue for such office or for the recovery of the emoluments thereof shall accrue from the date of his attaining majority. Limitation in case of minority

(*2*) No application for the execution of a decree or order passed under this Act shall be entertained, if made after the expiration of one year from the date of such decree or order. Limitation of time within which execution of decree or order may be applied for

Execution of decrees and orders passed under Regulation VI of 1831.

(*3*) Decrees or orders passed under Madras Regulation VI of 1831 may be executed under the provisions of this Act; provided that no application for the execution of such decree or order shall be entertained, if made either after the expiration of three years from the date of such decree or order or after the expiration of one year from the commencement of this Act.

Limitation when appeal preferred.

(*4*) In cases in which the decree or order sought to be executed was appealed against, the periods of limitation prescribed in sub-sections (*2*) and (*3*) shall commence from the termination of the appeal.

Power of District Collector in regard to transfers of suits.

15. The District Collector may transfer to his own file any suit on the file of any Revenue-officer in charge of a division of the district or from the file of one such officer to that of another, or to the file of an assistant or Deputy Collector not in charge of a division for disposal.

Procedure to be observed in trying suits.

16. (*1*) The trial of suits under this Act shall be regulated by rules made by the Board of Revenue under section 20 and by the following provisions :—

Date of hearing to be fixed and parties to be heard.

(i) A date shall be fixed for the hearing of the suit and the same shall be notified to the parties who shall be entitled to be heard in person or by agent;

Witnesses may be produced or summoned.

(ii) The parties shall be entitled to produce witnesses and to demand that any person whose evidence they require shall be summoned as a witness or that any person shall be summoned to produce a document and the officer trying the suit shall comply with such demand, unless, for reasons to be recorded, he considers it unnecessary to do so;

Record of proceedings.

(iii) The officer trying the suit shall record, in his own hand and in English a memorandum containing the material averments of the parties, the material portions of the evidence, his decision and the reasons therefor.

Obligation to obey summons.

(*2*) Every person to whom a summons is issued under this section shall be legally bound to obey the same.

Decrees may provide f r costs and shall be executed according to rules made by Board of Revenue.

17. Decrees and orders passed in suits under this Act may provide for payment of costs according to such scale and subject to such rules as may be prescribed by the Board of Revenue under section 20, and shall be executed in accordance with rules to be made by the Board of Revenue under the said section.

In certain cases, Collector may refer question of law to Board of Revenue.

18. (*1*) If, before or during the hearing of a suit under this Act or of an appeal against a decree or order passed in a suit under this Act, or if, in the execution of any such decree, any question of law or usage having the force of law, or of the construction of a document which construction may affect the merits, arises, and the officer trying the suit or appeal or executing the decree entertains reasonable doubt on such question, he may, either of his own motion or on the application of any of the parties, draw up a statement of the facts of the case and the point on which doubt is entertained, and

refer such statement for the decision of the Board of Revenue, and shall stay further proceedings until the said decision is communicated to him

Procedure to be followed in case of such reference

(2) The Board of Revenue shall, if any of the parties so request, hear him or his agent and shall decide the point referred and transmit a copy of its judgment to the officer by whom the reference was made, and the said officer shall, on receipt thereof, proceed to dispose of the case in conformity with the decision of the said Board, and the correctness of the decision of the said Board shall not be contested in any appeal made under this Act

Decision of Board of Revenue not to be contested

Disposal of suits and appeals pending at commencement of this Act

19. All suits brought and appeals made under Madras Regulation VI of 1831 shall, after the commencement of this Act, be heard and disposed of as if they had been preferred under this Act

Board of Revenue may make rules on certain subjects

20. The Board of Revenue may, with the approval of Government and after previous publication, make rules not inconsistent with this Act or with the Madras Proprietary Estates' Village Service Act, 1894, in regard to the following matters —

(i) the division, grouping and amalgamation of villages,

(ii) the holding of inquiries under sections 6, 7 and 8 and the hearing of appeals under section 23,

(iii) the educational qualifications required of the holders of the village-offices forming class (1) in section 3,

(iv) the procedure to be followed in disposing of suits and appeals from decrees or orders passed in suits and the registers to be maintained in connection therewith,

(v) the execution of decrees and orders passed in suits and the taxation of costs,

(vi) the salaries and other allowances to be assigned to the holders of the village-offices forming class (1) in section 3 and the method of their payment,

(vii) the duties of the holders of the village-offices forming classes (1) and (3) in section 3, and the descriptions and forms of the accounts and registers to be kept by them,

(viii) the custody, production and transfer of the accounts and other records kept by the holders of the village-offices forming classes (1) and (3) in section 3,

(ix) the publication of administration reports under [1] * * * the Madras Proprietary Estates' Village Service Act, 1894, and this Act,

(x) any other matters calculated to enhance the efficiency of the village service

---

[1] The words ' The Madras Village Cess Act 1893," were omitted by the Repealing and Amending Act, 1907 (IV of 1907) Schedule —A.

Jurisdiction of Civil Courts barred.

21. No Civil Court shall have authority to take into consideration or decide any claim to succeed to any of the offices specified in section 3 or any question as to the rate or amount of the emoluments of any such office or except as provided in proviso (ii) to sub-section (1) of section 13, any claim to recover the emoluments of any such office :

Proviso empowering Civil Courts to set aside the decisions of Revenue Courts on the question of jurisdiction.

Provided that, if, in any suit instituted under this Act, the defendant has pleaded before the Collector that a Revenue Court has no jurisdiction to entertain the suit, on the ground that no emoluments, as defined in this Act, appertain to the office in respect of which the suit it brought, and if, on appeal preferred from the decree in such suit, the appellate authority has decided adversely to such plea, the defendant may, within six months from the date of the appellate decree, institute a suit in a Civil Court to set aside such appellate decree on the said ground and on that ground only.

Nothing in this Act to prevent recovery of emoluments as arrears of revenue or to affect office which is not now hereditary

22. Nothing herein contained shall affect the provisions of section 52 of Madras Act II of 1864 or the provisions of Madras Act IV of 1866 or, except as provided in sub-section (1) of section 6, shall be deemed to create or confer an hereditary right to any village-office.

Appeal against order or decree of Collector.

23. (*1*) From every order passed by a Collector under section 6 or 7, and from every decree or order passed by a Collector in a suit preferred under section 13, an appeal shall lie, within one month, to the District Collector, or, if the said order or decree was passed by the District Collector, and appeal shall lie, within three months, to the Board of Revenue. The decision, on appeal, of the District Collector or the Board of Revenue, as the case may be, shall be final:

Second appeal in certain cases.

Provided that, in respect of the offices of head of the village and village accountant, a second appeal shall lie, within three months, to the Board of Revenue, against the decision on appeal of the District Collector in suits preferred under section 13 and in cases of dismissal of a village-officer under section 7.

Appeals against order of Tahsildar, Deputy Tahsildar or proprietor.

(*2*) From every order passed by a Tahsildar or Deputy Tahsildar under sub-section (2) of section 7, and from every order passed by a proprietor under section 8, an appeal shall lie, within one month, to the Collector whose decision shall be final.

[1] **23-A.** Notwithstanding anything contained in any Regulation or Act to the contrary, no appeal shall lie after the commencement of this Act from any decree or order passed in any suit brought or appeal made under Madras Regulation VI of 1831 unless such appeal would lie under section 23 had the

---

[1] This section was inserted by the Madras Hereditary Village-offices (Amendment) Act, 1897 (II of 1897), section 1, and it shall be deemed to have been inserted at the time when the Madras Hereditary Village-offices Act, 1895 (III of 1895), came into force.

decree or order sought to be appealed against been passed in a suit, appeal or proceeding commenced under this Act

Disposal of appeal by officer who passed original order

24. If the officer to whom an appeal is presented under this Act in the capacity of District Collector or Collector happens to be the officer who passed the decision which is appealed against in another capacity, he shall report the fact to the Board of Revenue or to the District Collector, as the case may be, and the appeal shall be disposed of by the said Board or District Collector and the order passed on appeal shall be final

Certain provisions of Limitation Act to apply

25. The provisions of sections 5 and 12 of the Indian Limitation Act, 1877, so far as they relate to suits, appeals and applications, shall *mutatis mutandis*, apply to suits, appeals, or applications for the execution of decrees or orders, instituted, preferred or made under this Act

Power of Government to place village watchman under police authorities

26. The Government may declare that the powers of punishing village officers which are vested in the Collector by this Act and by the Madras Proprietary Estates' Village Service Act, 1894, shall be exercised in any specified local area by the District Superintendent or Assistant Superintendent of Police in respect of all, or any of, the village watchmen or police officers in that local area From every order fining, suspending, dismissing or removing a village watchman or police officer passed by a District Superintendent or Assistant Superintendent of Police by virtue of a declaration made under this section, an appeal shall lie, within one month, to the District Magistrate, whose decision shall be final

---

MADRAS ACT No I of 1896 [1]

[The Madras Rent Recovery (Amendment) Act, 1896]

[12th November, 1895, 2nd January, 1896]

An Act to limit the local extent of the Madras Rent Recovery Act, VIII of 1865

Preamble

Whereas it is expedient to exclude the Malabar District and the portion of the Nilgiri District known as South-East Wynaad from the operation of Act VIII of 1865[2] (Madras), It is hereby enacted as follows —

Exclusion of Malabar and South East Wynaad from the operation of Madras Act VIII of 1865

1. The provisions of the Madras Rent Recovery Act, VIII of 1865,[2] as amended by subsequent enactments, shall not apply to the Malabar District nor to that portion of the Nilgiri District which is known as the South-East Wynaad

---

[1] Short title The Madras Rent Recovery (Amendment) Act, 1896 —was given by the Repealing and Amending Act, 1901 (XI of 1901)

For Statement of Objects and Reasons *see* Fort St. George Gazette Supplement dated 15th October 1895, p 5, for Proceedings in Council *see ibid* dated 3rd December 1895 p. 10

The Governor General's assent to this Act was first published in the Fort St George Gazette of 21st January 1896

[2] Repealed by Madras Act I of 1908 which does not however extend to the Malabar District or to the South East Wynaad.

MADRAS ACT No. II OF 1896.[1]

[THE MADRAS GENERAL CLAUSES (AMENDMENT) ACT, 1896.]

[12th November, 1895; 20th January, 1896.]

An Act to amend the Madras General Clauses Act, I of 1891.

Preamble.

WHEREAS it is expedient to amend the Madras General Clauses Act, I of 1891[2]; It is hereby enacted as follows:—

Definition of "Local Government."

1. For clause (12) of section 3 of the Madras General Clauses Act, I of 1891,[2] the following shall be substituted, namely:—

[*Vide, supra*, p. 732.]

MADRAS ACT No. III OF 1896.[3]

[THE MALABAR LAND REGISTRATION ACT, 1895.]

[22nd January, 1896; 21st March, 1896.]

An Act to make better provision for the registration of proprietors of estates subject to the payment of revenue direct to Government in Malabar and the Wynaad.

Preamble.

WHEREAS Regulation XXVI of 1802[4] provides that landed property paying revenue to Government shall be registered by the Collector; and whereas such landed property in Malabar and the Wynaad has in many cases not been registered in the names of the proprietors thereof; and whereas it is desirable for the security of the public revenue to provide a summary means whereby the Collector may ascertain such proprietors; It is hereby enacted as follows:—

Short title.

1. (*1*) This Act may be called the Malabar Land Registration Act, 1895.

Extent.

(*2*) It extends to the whole of the Malabar District and to that portion of the Nilgiri District which is known as South-East Wynaad.

Interpretation clause.

2. In this Act, unless there is something repugnant in the subject or context,—

"Estate."

"estate" means any land which is subject either now or prospectively to separate assessment to land-revenue payable direct to Government:

---

[1] Short title, "The Madras General Clauses (Amendment) Act, 1896"—was given by the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 15th October, 1895, p. 7; for Proceedings in Council, *see ibid*, dated 3rd December, 1895, p. 18.

The Governor General's assent to this Act was published in the Fort St. George Gazette of February, 4th, 1896.

[2] Printed, *supra*.

[3] For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 15th October, 1895, p. 3; for Report of the Select Committee, *see ibid*, dated 19th November, 1895, p. 1; for Proceedings in Council, *see ibid*, dated 3rd December, 1895, p. 7; *ibid*, dated 7th January, 1896, p. 9.

The Governor General's assent to this Act was published in the Fort St. George Gazette of 31st March, 1896.

[4] Printed, *supra*.

"registered" means registered in the public registers maintained by the Collector in accordance with the provisions of Regulation XXVI of 1802 [1] "Registered."

3. Within such time as the District Collector may fix as hereinafter provided, any person who is or claims to be the proprietor or joint proprietor of an estate and whose name is not already registered, or any other person having authority to act on his behalf, may make application to the District Collector or to an officer empowered by him to receive such application for registration as proprietor or joint proprietor of the estate Proprietor or joint proprietor of an estate may apply for registration within specified time

4. The District Collector shall fix for each taluk or such other local area as he may deem fit the date before which the proprietors of the estates situated therein may under the last preceding section apply to have their names registered, and may at any time alter any date so fixed Collector to fix the date before which proprietor may apply for registration

Provided that such date or altered date shall not be less than two months or more than four months from the date of the publication of the same in the District Gazette Proviso

5. Every date fixed as provided in the last preceding section shall be notified in the Fort St George and District Gazettes, and by notices to be posted up at the office of the District Collector, at the offices of the Revenue Divisional Officer, District Munsif, Tahsildár, Deputy Tahsildár and Sub-Registrar of Assurances within whose local jurisdiction the local area to which the date applies is situated, and at all police stations and amshom kachahris within such local area, and shall also be proclaimed by beat of drum within the local area to which the date applies Publication of date fixed by the Collector

Provided that no irregularity or omission in the publication of the notices or in the proclamations referred to in this section shall affect the validity of any proceedings under this Act Irregularity in publication not to affect validity of proceedings.

6. As soon as conveniently may be after the date so fixed, the Collector shall, on a day and at a place to be previously notified in the District Gazette whether or not an application for registration under the preceding sections has been made and whether or not there is any dispute as to the entry to be made in the register, ascertain and determine by such summary inquiry as he thinks fit, in respect of every estate to which the date applies, the person who, in his opinion, is entitled to be registered as proprietor thereof and shall register him accordingly, and, if any such estate shall not previously have been separately surveyed or demarcated, may cause it to be so surveyed or demarcated, or both Collector to ascertain by summary inquiry the person to be registered Collector empowered to cause survey and demarcation of estate

7. In the case of an estate belonging to joint proprietors who are members of a joint family or to a religious or charitable foundation, the estate shall be registered in the name of the managing member for the time being of such family or of the trustee, manager or superintendent for the time being Registration in the case of estates belonging to joint proprietors.

---

[1] Printed *supra*.

or to a religious or charitable foundation.

of such foundation, as the case may be, who shall be described in the register as such managing member, trustee, manager or superintendent, and such registration shall be as effectual and valid as if made in the names of all the joint proprietors or of all the persons interested in such foundation.

Procedure in inquiries under section 6.

8. In any inquiry under section 6 the Collector shall hear any party to a dispute who attends on the day notified or on the day to which the inquiry may be adjourned, and shall receive such evidence as he may see fit; and in the case of a dispute he shall record the nature of the dispute, his decision thereon, the grounds of the decision and such other particulars as he thinks fit.

Notice of the registration to be given in certain cases.

9. (*1*) If the person registered under section 6 or section 7 has not made an application under section 3, the Collector shall give him notice of the registration by the publication of the fact in the District Gazette and also, if his address is known, by letter sent by post registered.

Procedure when the person registered objects to the registration on receipt of such notice.

(*2*) If any person to whom notice has been given under this section objects to such registration, he may apply to the Collector within two months of the date of the publication of such notice in the District Gazette or within one month of the receipt of the registered letter containing such notice, whichever is later, to have his name removed from the register, and the Collector shall thereupon consider his objections and shall either remove his name from the register or direct its retention therein as he may see fit; in the former case the Collector shall proceed under section 6 as if no such registration had been made.

Registration subject to revision by Collector and modification by Civil Court.

10. Every registration purporting to be made in accordance with the procedure prescribed by this Act—

(i) may be revised by the Collector on application made within three months, and

(ii) shall be subject to any decree or order which may be passed by any Civil Court of competent jurisdiction: Provided that in any suit to set aside or modify such registration or in any appeal in such suit, in which suit or appeal an order or decree is passed *ex parte* against the Secretary of State for India in Council or against the Collector, neither the said Secretary of State in Council nor the Collector shall be made liable in costs.

Collector to furnish copies of the record on payment of fees.

11. On payment of the prescribed fees the Collector shall furnish to any person who may apply for the same copies of the record of every inquiry held under this Act and of every order and entry made thereunder or under Regulation XXVI of 1802.[1]

Saving of certain provisions of Regulation XXVI of 1802.

12. Nothing in this Act shall be deemed to affect the provisions of Regulation XXVI of 1802[1] in respect of the mutation in the register kept by the Collector under that Regulation of the name of the proprietor registered in accordance with the provisions of this Act when a transfer of the proprie-

---

[1] Printed, *supra*.

recognized by Courts of law as legal marriages, and to provide for the issue of such marriages, It is hereby enacted as follows —

1. This Act may be called the Malabar Marriage Act, 1896, and it shall be applicable to all Hindus domiciled in the Presidency of Madras following the Marumakkatayam or the Aliyasantana Law of Inheritance Title and application

2. In this Act, unless there is something repugnant in the subject or context,— Definitions

"Sambandham" means an alliance between a man and a woman by reason of which they, in accordance with the custom of the community to which they belong or either of them belongs, cohabit or intend to cohabit as husband and wife, "Sambandham"

"children" means sons and daughters of parents whose Sambandham has been registered as a marriage under this Act, whether born before or after such registration, but shall not include step sons or step daughters In the case of any one whose personal law permits adoption, "children" shall include adopted sons and daughters, "Children"

"marriage," with its grammatical variations and cognate expressions, means, except in section 3, clause (*a*), the last word of section 3, clause (*c*), section 15, clause (*a*), and the last word of section 15, clause (*c*), a Sambandham registered under the provisions of this Act, Marriage

"Tarwad" means and includes all the members of a joint family with community of property governed by the Marumakkatayam or the Aliyasantana Law of Inheritance Tarwad

3. A Sambandham between Hindus both or either of whom follow the Marumakkatayam or the Aliyasantana Law of Inheritance may be registered under this Act as hereinafter provided subject to the following conditions — Conditions subject to which a Sambandham may be registered as a marriage

(*a*) neither party must be subject to a personal law of marriage according to which he or she, as the case may be, cannot validly contract a marriage with the other party,

(*b*) the relation of the parties must not be such in respect of consanguinity or affinity that a Sambandham between them is prohibited by any custom or usage applicable to the community to which they belong or either of them belongs,

(*c*) neither party must at the date of the notice under section 5 have a husband or wife living whose Sambandham with her or him has been registered under this Act and which marriage is not null and void under section 15 or with whom she or he is otherwise legally married,

(*d*) the parties must not belong to different communities between the members of which, according to the custom or usage applicable to either community, cohabitation is prohibited,

(*e*) the Sambandham must have been formed in accordance with the customary ceremonies, if any, prevailing in the community to which they belong or either of them belongs,

Payment of costs.

17. All costs of any inquiry or proceeding held before, or of any survey or demarcation directed by, the Collector under this Act shall be payable by the parties concerned, and the Collector may pass such orders as he shall think fit in respect of the payment of such costs; and in the event of such costs not being paid on demand may recover the amount thereof in the same manner as if it were an arrear of land-revenue, and pay the sum so recovered to the person entitled to receive it.

Order of District Collector final.

18. Notwithstanding anything contained in Regulations I[1] and II[1] of 1803 of the Madras Code, no appeal shall lie to the Board of Revenue from any order made by the District Collector under this Act.

Saving clause.

19. Subject to the provisions of section 13, nothing contained in this Act and nothing done in accordance with this Act shall be deemed to—

(*a*) preclude the Government or any person from bringing a regular suit for possession of, or for a declaration of right to, any immoveable property to which the Government or such person may deem itself or himself entitled; or

(*b*) render a registration under this Act an admission on the part of the Government of the right of the person in whose name such estate may be registered or an admission of the validity of the title under which the estate is held; or

(*c*) affect the rights of the Government or of any person in respect of any estate or of any interest therein.

The Board of Revenue may make rules.

20. The Board of Revenue may, after previous publication, make subsidiary rules for the carrying out of the purposes of this Act, and may prescribe the fees, if any, to be paid for the service of summonses issued under Madras Act III of 1869[1] in connection with inquiries and proceedings under this Act.

Power to suspend operation of Act.

21. The Local Government may by notification, suspend the operation of this Act in any specified portion of the districts to which it applies, and may, by subsequent notification, bring it again into operation.

MADRAS ACT No. IV OF 1896.[2]

[THE MALABAR MARRIAGE ACT, 1896.]

[*14th March, 1896; 27th May, 1896.*]

An Act to provide a form of marriage for persons following the Marumakkatayam or the Aliyasantana Law.

Preamble.

WHEREAS it is expedient to enable persons following the Marumakkatayam or the Aliyasantana Law of Inheritance to contract marriages which shall be

---

[1] The Madras Revenue Summonses Act, 1869. Printed, *supra*.

[2] For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 16th July, 1895, p. 5; for Report of the Select Committee, *see ibid*, dated 4th February, 1896, p. 1; for Proceedings in Council, *see ibid*, dated 11th June, 1895, p. 24; *ibid*, dated 3rd December, 1895, p. 19; *ibid*, dated 31st March, 1896, p. 11; and *ibid*, dated 21st April, 1896, p. 11.

The Governor General's assent to this Act was published in the Fort St. George Gazette of 16th June, 1896.

recognized by Courts of law as legal marriages, and to provide for the issue of such marriages, It is hereby enacted as follows —

1. This Act may be called the Malabar Marriage Act, 1896, and it shall be applicable to all Hindus domiciled in the Presidency of Madras following the Marumakkatayam or the Aliyasantana Law of Inheritance Title and application

2. In this Act, unless there is something repugnant in the subject or context,— Definitions

"Sambandham" means an alliance between a man and a woman by reason of which they, in accordance with the custom of the community to which they belong or either of them belongs, cohabit or intend to cohabit as husband and wife, "Sambandham"

"children" means sons and daughters of parents whose Sambandham has been registered as a marriage under this Act, whether born before or after such registration, but shall not include step sons or step daughters In the case of any one whose personal law permits adoption, "children" shall include adopted sons and daughters, "Children"

"marriage," with its grammatical variations and cognate expressions, means, except in section 3, clause (*a*), the last word of section 3, clause (*c*), section 15, clause (*a*) and the last word of section 15, clause (*c*), a Sambandham registered under the provisions of this Act, Marriage

"Tarwad" means and includes all the members of a joint family with community of property governed by the Marumakkatayam or the Aliyasantana Law of Inheritance Tarwad

3. A Sambandham between Hindus both or either of whom follow the Marumakkatayam or the Aliyasantana Law of Inheritance may be registered under this Act as hereinafter provided subject to the following conditions — Conditions subject to which a Sambandham may be registered as a marriage

(*a*) neither party must be subject to a personal law of marriage according to which he or she, as the case may be, cannot validly contract a marriage with the other party,

(*b*) the relation of the parties must not be such in respect of consanguinity or affinity that a Sambandham between them is prohibited by any custom or usage applicable to the community to which they belong or either of them belongs,

(*c*) neither party must at the date of the notice under section 5 have a husband or wife living whose Sambandham with her or him has been registered under this Act and which marriage is not null and void under section 15 or with whom she or he is otherwise legally married,

(*d*) the parties must not belong to different communities between the members of which, according to the custom or usage applicable to either community, cohabitation is prohibited,

(*e*) the Sambandham must have been formed in accordance with the customary ceremonies, if any, prevailing in the community to which they belong or either of them belongs,

(*f*) a party to a Sambandham who is a minor must have obtained the consent of his or her legal guardian to the registration of the Sambandham as a marriage.

Appointment of Marriage Registrars.

4. The Local Government may appoint one or more Registrars under this Act, either by name or as holding any office for the time being, for any portion of the territory subject to its administration. The officer so appointed shall be called "Registrar of Marriages under the Malabar Marriage Act, 1896," and is hereinafter referred to as the "Registrar." The portion of territory for which any such officer is appointed shall be deemed his district.

Registration.

Notice of intention to register a Sambandham to be given to the Registrar.

5. When it is intended to register a Sambandham as a marriage under this Act, both or either of the parties shall give notice in the form (A) to this Act annexed to the Registrar within whose local jurisdiction either of the parties resided at the time when the Sambandham was formed or within whose local jurisdiction it is intended to form it.

Registrar to file such notices and to maintain the "Marriage Notice Book."

6. The Registrar shall file all such notices and keep them with the records of his office, and shall also forthwith enter a true copy of all such notices fairly into a book to be for that purpose supplied to him by the Local Government and to be called "The Marriage Notice Book." Such book shall be open at all reasonable times without fee to all persons desirous of inspecting the same.

Copies of notice to be served on interested parties.

7. (*1*) Every Registrar shall, on receiving any such notice, forthwith cause a copy thereof to be affixed to a notice-board in some conspicuous place in his office; and shall then serve or cause to be served at the expense of the party giving such notice a copy thereof on the other party to the Sambandham, if both parties have not joined in giving such notice, on the guardians, if any, of the parties thereto, and on the managing members of the Tarwads or families to which they respectively belong.

Withdrawal of notice.

(*2*) If at any time before registration is effected the party by whom notice was given under section 5 signifies in writing to the Registrar that he withdraws such notice, the Registrar shall, thereupon, at the expense of the party withdrawing the same, communicate the fact of withdrawal to the persons mentioned in sub-section (*1*).

Persons entitled to object to registration of a Sambandham.

Grounds on which objection may be taken.

8. (*1*) Any person entitled to receive a notice under sub-section (*1*) of section 7, any member of the Tarwad or family of either party, or any person having any expectancy of succession to the property, if any, of such Tarwad or family of either party may, within one month from the date of such service of notice, object to such registration on the ground that such Sambandham or registration is in contravention of the conditions prescribed in section 3.

Procedure of Registrar if objection is taken.

(*2*) Such objection shall be in writing signed by the person objecting and shall be presented by the objector or his duly authorized agent to the Registrar who shall file the same in his office. A copy of such objections shall at the

expense of the objector be served on the party by whom notice was given under section 5

(3) On receipt of a notice of objection [1][made under sub-section (1)], the Registrar shall not proceed to register the Sambandham as a marriage until the expiry of four months from the receipt of such notice unless such notice is in the meantime withdrawn

(4) If no such objection be made under this section and if neither party withdraws the notice under section 7, sub-section (2), such Sambandham may at any time, not being less than one month nor more than six months from the service of the notice under section 7, be registered as a marriage

Procedure if no objection is taken

9. Any person objecting to the intended registration of a Sambandham may, after complying with the provisions of section 8, file a suit in a competent Civil Court for a declaratory decree declaring that such registration would contravene one or more of the conditions prescribed in section 3

Person objecting may file a suit in Civil Court

10. The Judge before whom such suit is instituted shall thereupon give the person instituting the same a certificate to the effect that such suit has been filed If such certificate be lodged with the Registrar within four months from the receipt of notice of objection, the Sambandham shall not be registered as a marriage under this Act till the decision of such Court has been given and the period allowed by law for appeals from such decision has elapsed, or, if there be an appeal from such decision, till the decision of the Appellate Court has been given or such suit or appeal has been withdrawn or dismissed for default

Registration to be delayed pending final disposal of suit if certificate of institution is lodged with Registrar

If such certificate be not lodged within the period prescribed in the last preceding paragraph, or if the suit by the objector be finally dismissed or withdrawn, the Sambandham may be registered as a marriage

11. Before a Sambandham is registered as a marriage, the parties thereto and three witnesses shall, in the presence of the Registrar, sign a declaration in the form (B) to this Act annexed If either party is a minor, the declaration shall also be signed by his or her legal guardian, and in every case it shall be countersigned by the Registrar

Declaration to be signed before registration

12. When such declaration has been made, the Registrar shall enter a certificate of marriage in a book to be for that purpose supplied to him by the Local Government and to be called "The Marriage Certificate Book" in the form (C) to this Act annexed, and such certificate shall be signed by the Registrar and countersigned by the parties, three witnesses and, if either party is a minor, by his or her guardian also

Registrar to enter certificate of marriage in the Marriage Certificate Book

13. Subject to such rules as may be prescribed in that behalf by the Local Government, the Registrar may attend at the private residence of the parties or of the guardian of a party who is a minor for the purpose of such declaration and marriage certificate book being signed by them in his presence

Registration at a private residence.

[1] These words and figures were substituted for the words and figure "under section 7" by Mad. Act I of 1898, *infra*
They are to be read as if they had been substituted at the passing of this Act—*see* s. 3 of Mad Act I of 1898

Succession to separate property of a married man dying intestate.

23. Where a man following the Marumakkatayam or the Aliyasantana Law of Inheritance dies intestate in respect of his self-acquired or separate property or any portion thereof, one-half of such property or in the event of no member of his Tarwad surviving him the whole of such property shall devolve on his widow if he leaves no children, or on his children in equal shares if he leaves no widow, or on his widow and children in equal sharés if he leaves both widow and children.

Succession to separate property of a married woman dying intestate.

24. Where a woman following the Marumakkatayam or the Aliyasantana Law of Inheritance dies intestate in respect of her separate or self-acquired property or any portion thereof, one-half of such property shall devolve in equal shares upon her children and, in the event of no member of her Tarwad surviving her, the whole of such property shall devolve on her husband.

Service of notices under this Act.

25. Copies of notices under sub-section (*1*) of section 7, notice of withdrawal under sub-section (*2*) of section 7, copies of objections under sub-section (*2*) of section 8, shall be served through such officer or Court as the Local Government may direct in this behalf, and the law in force for the time being for the service of summons on a defendant in a civil suit shall apply to such service.

FORM A.

(*Section 5.*)

NOTICE OF MARRIAGE.

To

———, a Registrar of Marriages under Act for the District of .

I hereby give you notice that I intend registering as a marriage under Act the Sambandham between me and the other party herein named and described :—

Name.	Names of Tarwad and of the managing member thereof.	Names of the legal guardians (if any).	Rank or profession or calling.	Residence.	Age.	Caste.	The place in which the Sambandham was formed or is intended to be formed.
A. B. .	..						
C. D. .							

Witness my hand, this day of . 189 .

(Signed)

FORM B

(*Section 11*)

DECLARATION TO BE MADE SEPARATELY BY THE BRIDEGROOM AND BY THE BRIDE

I, A. B , hereby declare as follows —

(*1*) I am a hindu governed by the Law of Inheritance.

(*2*) I am years of age

(*3*) The registration of my Sambandham with will not contravene any of the conditions prescribed in section 3 of Act

(*4*) I consent to the registration as a marriage of the Sambandham between me and C D. [*or, if the party making the declaration is a minor*, (*4*) My legal guardian consents to the registration as a marriage of the Sambandham between me and C D]

(*5*) I am aware that, if any statement in this declaration is false and if in making such statement I either know or believe it to be false or do not believe it to be true, I am liable to imprisonment and fine

(Signed) A B (the Bridegroom or Bride).

(A B) E F (Guardian, if any)

(Signed) G H, („) I J, („) K L — Three witnesses

(Countersigned) M N,
Registrar of Marriages under Act
for the District of

FORM C

(*Section 12*)

MARRIAGE CERTIFICATE

I, E F., certify that, on the of 189 , appeared before me A. B and C D , each of whom in my presence and in the presence of three witnesses, whose names are signed hereunder, made the declarations required by Act , and that the Sambandham between them was registered as a marriage under the said Act in my presence

(Signed) E F ,
Registrar of Marriages under Act
for the District of

(Signed) A B
(„) C D
(„) M. N (Guardian, if any).

(Signed) G H, („) I J., („) K L — Three witnesses

Dated the day of 189 .

MADRAS ACT No. I OF 1897[1].

[THE MADRAS REVENUE RECOVERY (AMENDMENT) ACT, 1897.]

[*12th December, 1896; 15th January, 1897.*]

An Act to amend the Madras Revenue Recovery Act, II of 1864.

Preamble.

WHEREAS it is expedient to amend Madras Act II of 1864[2]; It is hereby enacted as follows:—

Amendment of section 35 of Madras Act II of 1864.

1. In section 35 of Madras Act II of 1864[2], for the words "shall constitute a debt from the defaulter to him and" shall be substituted the words "or by any person not being in possession thereof but *boná fide* claiming an interest therein adverse to the defaulter"; and at the end of the same section shall be inserted the following sentence:—"such sums when paid by a *boná fide* mortgagee or other incumbrancer shall further constitute a debt from the defaulter."

Amendment of section 37 of Madras Act II of 1864.

2. In the proviso to section 37 of Madras Act II of 1864,[2] after the word "incumbrancer" the following words shall be inserted:—"or any person *boná fide* claiming an interest in the estate adverse to the defaulter."

MADRAS ACT No. II OF 1897.[3]

[THE MADRAS HEREDITARY VILLAGE OFFICES (AMENDMENT) ACT, 1897.]

[*13th February, 1897; 4th March, 1897.*]

An Act to amend Madras Act No. III of 1895 (the Madras Hereditary Village-offices Act, 1895).

Preamble.

WHEREAS it is expedient to amend the Madras Hereditary Village-offices Act, 1895; It is hereby enacted as follows:—

Insertion of a new section after section 23 of Madras Act III of 1895.

1. The following shall be deemed to have been inserted after section 23 of the Madras Hereditary Village-offices Act, 1895, at the time when that Act came into force:— Mad. A of 1895

[*Vide supra*, p. 767.]

---

[1] Short title. "The Madras Revenue Recovery (Amendment) Act, 1897"—*see* the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 17th March, 1896, p. 1; for Report of the Select Committee, *see ibid*, dated 16th June, 1896, p. 1; for Proceedings in Council, *see ibid*, dated 9th June, 1896, p. 44; and *ibid*, dated 12th January, 1897, p. 28.

The Governor General's assent to this Act was first published in the Fort St. George Gazette, dated 26th January, 1897.

[2] Printed *supra*.

[3] Short title, 'The Madras Hereditary Village-offices (Amendment) Act, 1897"—*see* the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 29th September, 1896, p. 1; for Proceedings in Council, *see ibid*, dated 12th January, 1897, p. 24; and *ibid*, dated 9th March, 1897, p. 32.

The Governor General's assent to this Act was published in the Fort St. George Gazette, dated 16th March, 1897.

MADRAS ACT No III of 1897 [1]

[THE MADRAS DISTRICT MUNICIPALITIES ACT AMENDMENT ACT, 1897]

[*8th March, 1897, 10th April, 1897*]

An Act to amend Madras Act IV of 1884 (the Madras District Municipalities Act, 1884)

Preamble

WHEREAS it is expedient to amend the Madras District Municipalities Act, 1884, It is hereby enacted as follows —

Title and commencement

1. This Act may be called the Madras District Municipalities Act Amendment Act, 1897, and it shall come into force on such date as the Governor in Council may, by notification, direct [2]

Sections amended, those of Madras Act IV of 1884

2. Unless there be something repugnant in the subject or context, the sections declared to be amended by this Act are those of the Madras District Municipalities Act, 1884

Repeal of certain sections

3. (*1*) Section 2, section 6, section 7, section 22, section 25 the proviso to section 39, the proviso to section 50, section 57, sub section (*3*) of section 65, section 67, section 70, section 71, section 74, section 76, section 87, section 112, section 123, section 139, section 198, section 199, section 225, sub section (*5*) of section 255, section 285, and section 287 are hereby repealed

Omission of the words "at a meeting" from certain sections

(*2*) The words "at a meeting" shall be omitted from every section of the Act where they occur, except from section 30

Substitution of "financial year" for "official year" throughout the Act

(*3*) For the words "official year," wherever they occur, shall be substituted the words "financial year"

Amendment of section 1

4. In sub section (*2*) of section 1, the figures "1884" shall be substituted for the figures "1878"

New section substituted for section 3

5. For section 3 shall be substituted the following section —

[*Vide supra*, p 139]

New sub-section substituted for sub-section (1) of section 4

6. For sub section (*1*) of section 4 shall be substituted the following sub-section —

[*Vide supra*, p 141]

---

[1] For Statement of Objects and Reasons see Fort St George Gazette Supplement dated [illegible] Committee [illegible] *ibid* dated [illegible] April 1895, [illegible] April 1894 p. 29 *ibid* dated 11th June, [illegible] dated 12th May, 18[illegible] p. 1 *ibid* dated 9th [illegible]

[2] [illegible] Fort St George Gazette 1897, Pt I A, [illegible]

Chairman," and the following words shall be inserted at the end of the sub-section :—

[*Vide supra*, p. 450.]

Substitution of new sub-sections for sub-section (2) of section 29.

23. For sub-section *(2)* of section 29 shall be substituted the three following sub-sections :—

[*Vide supra*, p. 450.]

Amendment of section 30.

24. *(1)* In sub-section *(1)* of section 30, between the words "Chairman" and "shall preside" shall be inserted the words "or in his absence the Vice-Chairman," and for the words "of the Chairman" shall be substituted the words "of both the Chairman and Vice-Chairman."

(2) In sub-section *(2)*, the words "the Chairman or" shall be omitted.

New sub-section added.

(3) The following sub-section shall be inserted after sub-section *(2)* :—

[*Vide supra*. p. 450.]

and the present sub-sections *(3)*, *(4)* and *(5)* shall be re-numbered as sub-sections *(4)*, *(5)* and *(6)*, respectively.

(4) In sub-section *(4)* of the same section as so re-numbered, the words "The Sanitary Commissioner, the Sanitary Engineer," shall be inserted at the beginning ; the words "the Inspector or the Assistant Inspector of Schools" shall be substituted for the words "and the Inspector of Schools of the Circle" ; and the words "attend any meeting of the Municipal Council and" and the word "respectively" shall be omitted.

(5) For sub-section *(5)* of the same section shall be substituted the following sub-section :—

[*Vide supra*, p. 451.]

(6) In sub-section *(6)* of the same section the words "at a meeting specially convened in that behalf and" shall be inserted after the word "except"; and for the last twelve words shall be substituted the words "the votes of not less than one-half of the sanctioned number of Municipal Councillors."

Amendment of section 31.

25. *(1)* In sub-section *(1)* of section 31, for the first twelve words shall be substituted the words "Minutes of the proceedings at each meeting of the Municipal Council."

(2) In sub-section *(2)* of the same section, for the words "resolutions of" shall be substituted the words "proceedings at," and for the words "Municipal Council" shall be substituted the word "Chairman" ; and the following proviso shall be added at the end of the sub-section :—

[*Vide supra*, p. 451.]

New sub-section added.

(3) After sub-section *(2)* of the same section shall be inserted the following sub-section :—

[*Vide supra*, p. 451.]

26. (*1*) In section 32, after sub section (*1*) shall be inserted the following sub-section — New sub-section inserted in section 32.

[*Vide supra*, p 452]

and the present sub sections (*2*) and (*3*) shall be re-numbered as sub sections (*3*) and (*5*), respectively

(*2*) For sub section (*3*) of the same section as so re numbered shall be substituted the two following sub-sections — New sub sections substituted for sub section (3) of section 32

[*Vide supra*, p 452]

27. After section 32 shall be inserted the following section — Insertion of a new section after section 32

[32A *Vide supra*, p 453]

28. (*1*) In sub section (*1*) of section 33, for the words " any Chairman " shall be substituted the words " the Chairman ", for the words " such Chairman," whenever they occur, shall be substituted the words " the Chairman" , and the words " after giving the Chairman a reasonable opportunity of explanation " shall be inserted between the words " Collector " and " may " Amendment of section 33

(*2*) In sub section (*2*) of the same section the words " together with the explanation of the Chairman, if any," shall be inserted after the words " copy thereof "

29. In sub section (*2*) of section 34 for the words " this section " shall be substituted the words " sub section (*1*) " , and at the end of the same sub section shall be added the words " The Collector of the district also may by a special order in writing in each case, direct the Revenue-officer in charge of the division to exercise any of the powers referred to in clauses (i) (ii) and (iii) of sub section (*1*) " Amendment of section 34

30. (*1*) For sub-section (*1*) of section 35 shall be substituted the following sub section — Amendment of section 35

[*Vide supra*, p 454]

31. (*1*) In sub section (*1*) of section 36 for the words " the Revenue officer in charge of the division of a district in which any municipality is situated," shall be substituted the words " the Collector of the district or the Revenue officer in charge of the division ", and between the words " Municipal Council " and the words " is empowered " shall be inserted the words " or the Chairman " Amendment of section 36

(*2*) In sub section (*2*) of the same section, between the words " such " and the words " Revenue officer " shall be inserted the words " Collector or "

(*3*) For sub-section (*3*) of section 36 shall be substituted the following sub section —

[*Vide supra*, p 455]

32. (*1*) In sub-section (*1*) of section 37, between the words " Municipal Council " and the words " has made " shall be inserted the words " or a Chairman," and the words " on it " shall be omitted Amendment of section 37

(*2*) In sub-section (*3*) of the same section, at the end of the first sentence shall be inserted the words "except charges for the service of authorized loans."

New sub-section added to section 38.

33. The figure (*1*) shall be inserted at the beginning of section 38, and the following shall be added as sub-section (*2*) :—

[*Vide supra*, p. 456.]

Insertion of a new section after section 39.

34. After section 39 shall be inserted the following section :—

[39A. *Vide supra*, p. 456.]

Amendment of section 40.

35. (*1*) To sub-section (*4*) of section 40, at the end, shall be added the words " or unless some other Government servant has been deputed to replace the one withdrawn."

New sub-section added.

(*2*) After the same sub-section shall be inserted the following sub-section :—

[*Vide supra*, p. 458.]

Amendment of section 42.

36. (*1*) From sub-section (*1*) of section 42 shall be omitted the words " and may also appoint such temporary servants as may be required for the purposes of this Act in cases of emergency," as also the words " and temporary " and the words " or as the emergency may require."

New sub-section added.

(*2*) After sub-section (*1*) of the same section the following sub-section shall be inserted :—

[*Vide supra*, p. 458.]

(*3*) In sub-section (*3*) of the same section as so re-numbered, after the word " suspend " shall be inserted the word " reduce "; and for the word " persons " shall be substituted the word " servants ".

Addition of a proviso to section 43.

37. To section 43 shall be added the following proviso :—

[*Vide supra*, p. 459.]

Amendment of section 44.

38. (*1*) In sub-section (*1*) of section 44, the word " one " shall be omitted and the words " the Chairman or a Committee consisting of two " inserted instead.

(*2*) After sub-section (*2*) of the same section shall be inserted the following sub-section :—

[*Vide supra*, p. 459.]

Amendment of section 45.

39. In sub-section (*1*) of section 45, the figures " 100 " shall be substituted for the figures " 200 " ; between the word " and " and the words " shall be signed " shall be inserted the words " except in the case of contracts made under the provisions of sub-section (*3*) of section 44" ; and at the end of the sub-section the words " or Vice-Chairman " shall be added.

New section substituted for section 47.

40. For section 47 shall be substituted the following section :—

[*Vide supra*, p. 460.]

Amendment of section 48.

41. In section 48 the words " this Act " shall be substituted for the words " the last preceding section ".

42. In section 51, for the words "who has, in their opinion, become unable," shall be substituted the words "who is, in their opinion, unable" Amendment of section 51

43. For section 52 shall be substituted the following section — New section substituted for section 52.

[*Vide supra*, p 462]

44. After section 52 shall be inserted the two following sections — Insertion of new sections after section 52

[52A & B *Vide supra*, p 462]

45. The following Explanation shall be added to section 53 — Amendment of section 53

[*Vide supra*, p 462]

46. In section 56, for the word "may" shall be substituted the word "shall" Amendment of section 56

47. For section 60 shall be substituted the following section — New section substituted for section 60

[*Vide supra*, p 463]

48. For section 62 shall be substituted the following section — New section substituted for section 62

[*Vide supra* p 464]

49. For section 63 shall be substituted the following section — New section substituted for section 63

[*Vide supra*, p 464]

50. After section 63 shall be inserted the following section — Insertion of a new section after section 63

[63A *Vide supra*, p 465]

51. For section 64 shall be substituted the following section — New section substituted for section 64

[*Vide supra*, p 465]

52. For section 66 shall be substituted the following section — New section substituted for section 66

[*Vide supra* p 466]

53. For section 69 shall be substituted the five following sections — New sections substituted for section 69

[*Vide supra* pp 466-467]

54. For section 72 shall be substituted the following section — New section substituted for section 72

[*Vide supra*, p 467]

55. (*1*) In sub section (*1*) of section 73, at the end, shall be inserted the words — Amendment of section 73

[*Vide supra*, p 468]

(*2*) For sub section (*2*) of the same section shall be substituted the following sub section — Sub section (2) replaced

[*Vide supra*, p 468]

56. For sub-section (*1*) of section 75 shall be substituted the following sub section — New sub-section substituted for sub-section (*1*) of section 75

[*Vide supra*, p 468]

Amendment of section 77.

57. (*1*) In sub-section (*1*) of section 77, for the words "kept within the municipality or let out for hire or used in the municipality," shall be substituted the words "kept or let out for hire within the municipality".

(*2*) In sub-section (*2*) of the same section, the words "or used" shall be omitted, and for the figures "30" shall be substituted the word "fifteen".

(*3*) In sub-section (*3*) of the same section, after the words "under this section" shall be inserted the words "in any municipality," and for the words "any municipality" shall be substituted the words "the same municipality".

Substitution of new clauses or clauses (i) and (iv) of section 78.

58. (*1*) For clause (i) of section 78 shall be substituted the following clause :—

[*Vide supra*, p. 469.]

(*2*) For clause (iv) of the same section shall be substituted the following clause :—

[*Vide supra*, p. 469.]

Amendment of section 80.

59. In section 80, for the words "to be liable" shall be substituted the words "to have become liable."

New section substituted for section 82.

60. For section 82 shall be substituted the following section :—

[*Vide supra*, p. 470.]

Substitution of new sub-section for sub-sections (*1*) and (*4*) of section 85.

61. (*1*) For sub-section (*1*) of section 85 shall be substituted the following sub-section :—

[*Vide supra*, pp. 470-471.]

Amendment of section 86.

62. (*1*) In sub-section (*1*) of section 86, the words "owning or" wherever they occur, shall be omitted, and for the word "fifteen" shall be substituted the word "twenty."

(*2*) Sub-section (*2*) of the same section shall be re-numbered as section 86A, and the word "but" and the words "under this section" shall be omitted therefrom.

New section substituted for section 90.

63. For section 90 shall be substituted the following section :—

[*Vide supra*, p. 471.]

New sub-section substituted for sub-section (*3*) of section 91.

64. For sub-section (*3*) of section 91 shall be substituted the following sub-section :—

[*Vide supra*, p. 472.]

Amendment of section 92.

65. (*1*) From sub-section (*1*) of section 92 shall be omitted the last twenty-five words.

[*Vide supra*, p. 472.]

(*2*) In sub-section (*3*) of the same section, for the first nineteen words shall be substituted the words :—

[*Vide supra*, p. 472.]

Amendment of section 93.

66. In section 93 the word "street" shall be substituted for the word "road" wherever it occurs.

67. In section 94, between the word " toll " and the word " in " shall be inserted the words " on behalf of the Municipal Council or, if the tolls have been farmed out, of the toll farmer , such receipt shall be "

Amendment of section 94

68. For section 95 shall be substituted the following section —

[*Vide supra*, p 473]

New section substituted for section 95.

69. (*1*) For sub-section (*1*) of section 96 shall be substituted the following sub section —

[*Vide supra*, p 473]

New sub section substituted for sub section (*1*) of section 96

70. After section 96 shall be inserted the five following sections —

[96A-E *Vide supra*, p 474]

Insertion of new sections after section 96

71. For section 97 shall be substituted the following section —

[*Vide supra*, p 474]

New section substituted for section 97

72 For section 99 shall be substituted the following section —

[*Vide supra*, p 475]

New section substituted for section 99

73. In section 100, at the beginning shall be inserted the following words —

[*Vide supra*, p 475]

Amendment of section 100

74. For section 102 shall be substituted the following section —

[*Vide supra*, p 475]

New section substituted for section 102.

75. For section 103 shall be substituted the following section —

[*Vide supra*, p 475]

New section substituted for section 103.

76. For section 104 shall be substituted the following section —

[*Vide supra*, p 476]

New section substituted for section 104.

77. For section 105 shall be substituted the following section —

[*Vide supra*, p 476]

New section substituted for section 105

78. In section 106, between the words " subject to " and the words " the conditions " shall be inserted the words " the provisions of section 271 of the Code of Civil Procedure and to " , after the word " apparel " shall be inserted the words " and bedding " , after the word " cattle " shall be inserted the words " and seed grain " , for the word " distress " shall be substituted the word " distraint " , and at the end of the section shall be inserted the words

[*Vide supra* p 477]

Amendment of section 106

79. For section 107 shall be substituted the following section —

[*Vide supra* p 477]

New section substituted for section 107

80. (*1*) In sub section (*1*) of section 108 at the beginning, shall be inserted the word " Distraint ", and the words " upon distraints " shall be omitted

Amendment of section 108

791

(2) In sub-section (2) of the same section, for the words "cost of maintaining any live-stock" shall be substituted the words "expenses incidental to the detention of any property".

New section substituted for section 110.

81. For section 110 shall be substituted the following section:—

[Vide supra, p. 478.]

New section substituted for section 111.

82. For section 111 shall be substituted the following section:—

[Vide supra, p. 478.]

Amendment of section 113.

83. (1) In section 113, between the words "within the municipalities in which they are raised" and the words "to the following purposes" shall be inserted the words "or, with the special sanction in each case of the Governor in Council, without the said municipalities".

(2) For clause (ii) of the same section shall be substituted the two following clauses, and clauses (iii), (iv) and (v) shall be re-numbered as clauses (iv), (v) and (vii):—

[Vide supra, p. 479.]

(3) In clause (iv) as re-numbered, the words "public libraries, reading-rooms, gymnasia, or any other institutions connected with the diffusion of education" shall be inserted after the words "maintenance of schools" and before the word "either".

(4) For clause (vi) of the same section shall be substituted the following clause:—

[Vide supra, p. 479.]

(5) In the same section the following shall be inserted as clause (viii):—

[Vide supra, p. 479.]

and the proviso to the section shall be omitted.

New section substituted for section 114.

84. For section 114 shall be substituted the following section:—

[Vide supra, p. 479.]

Amendment of section 124.

85. In clause (ii) of section 124, for the words "primary schools" shall be substituted the words "schools maintained or aided from municipal funds".

Amendment of section 131.

86. (1) In section 131, at the beginning, shall be inserted the figure "(1)"; and at the end shall be added the words:—

[Vide supra, p. 483.]

New sub-section added.

(2) To the same section shall be added the following sub-section:—

[Vide supra, p. 483.]

Amendment of section 134.

87. From section 134 shall be omitted the words "more than"; and, to the same section, at the end, shall be added the words:—

[Vide supra, p. 483.]

Amendment of section 138.

88. (1) In sub-section (1) of section 138, for the words "whether all the" shall be substituted the word "which"; for the words "have been

vaccinated or are unprotected" shall be substituted the words "are unprotected, and for the said purpose the Chairman may require any parent or guardian to forward to him within a specified time a list in writing signed by him of the number and ages of the children under his guardianship", for the words "procure the vaccination of such child or present it for inspection" shall be substituted the words "procure the vaccination or inspection of such child", and for the words "or (as the case may be) that it be presented for inspection" shall be substituted the words "or inspected, as the case may be"

(2) In sub section (2) of the same section, for the last twenty two words shall be substituted the words "sentence such parent or guardian to pay a fine not exceeding fifty rupees"

(3) For sub section (3) of the same section shall be substituted the following sub section — New sub section substituted for sub-section (3)

[*Vide supra*, p 485]

(4) To the same section shall be added the following sub section — New sub section added

[*Vide supra*, p 485]

89. In sub section (2) of section 143, for the first seven words shall be substituted the words "All public water courses and springs and all public", and for the words "to any such works" shall be substituted the word "thereto" Amendment of section 143

90. For section 145 shall be substituted the following section — New section substituted for section 145

[*Vide supra*, p 486]

91. (1) For sub section (1) of section 147 shall be substituted the following sub section — Amendment of section 147

[*Vide supra*, p 487]

(2) Sub section (3) of the same section is hereby repealed, and sub sections (4) and (5) shall be re numbered as sub sections (3) and (4), respectively

92. (1) In sub section (1) of section 148, for the words "may enter upon any building or land" shall be substituted the words "may, at any time between sunrise and sunset, and after giving one hour's notice to the occupier of any building or land supplied with water under sub section (1) of section 147, enter into or upon such building or land" Amendment of section 148

(2) In sub section (2) of the same section the words "at any such time" shall be omitted, and, for the words "if necessary to prevent waste of water pending repair" shall be substituted the words "if it appears to the Chairman that, pending repair, waste of water cannot be otherwise prevented"

93. In section 149, for the word "used", wherever it occurs shall be substituted the words "is used", the words "by the Chairman" shall be omitted, and for the word "purpose" shall be substituted the word "purposes". Amendment of section 149

94. After section 149 shall be inserted the following section — Insertion of a new section after section 149

[149A. *Vide supra*, p 488]

Amendment of section 151.

95. From section 151 shall be omitted the last twenty-two words.

New section substituted for section 152.

96. For section 152 shall be substituted the following section :—

[*Vide supra*, p. 489.]

Amendment of section 153.

97. In sub-section (*1*) of section 153, for the words "Municipal Council" shall be substituted the word "Chairman"; and for the word "them" shall be substituted the word "him".

New section substituted for section 154.

98. For section 154 shall be substituted the following section :—

[*Vide supra*, p. 490.]

New section substituted for section 155.

99. For section 155 shall be substituted the following section :—

[*Vide supra*, p. 490.]

Amendment of section 156.

100. (*1*) In sub-section (*1*) of section 156 for the words "Municipal Council" shall be substituted the word "Chairman"; for the words "stream, channel", shall be substituted the words "water-course, spring"; after the word "drinking" shall be inserted the words "bathing or washing clothes"; for the words "any such well" shall be substituted the words "the same"; and for the word "they" shall be substituted the words "the Chairman".

Sub-section (*2*) replaced.

(*2*) For sub-section (*2*) of the same section shall be substituted the following sub-section :—

[*Vide supra*, p. 490.]

Amendment of section 158.

101. From sub-section (*1*) of section 158 shall be omitted the words "by a resolution passed".

Amendment of section 159.

102. In section 159, for the words "Municipal Council" shall be substituted the word "Chairman".

Amendment of section 161.

103. (*1*) In sub-section (*3*) of section 161, for the words "one month", wherever they occur, shall be substituted the words "two months".

Sub-section (*4*) replaced.

(*2*) For sub-section (*4*) of the same section shall be substituted the following sub-section :—

[*Vide supra*, p. 492.]

Amendment of section 163.

104. (*1*) In sub-section (*1*) of section 163, for the words "hereinafter provided" shall be substituted the words "provided in section 264".

(*2*) In sub-section (*2*) of the same section, for the words "and may" shall be substituted the words "and shall".

Substitution of three new sections for sections 164 and 165.

105. For sections 164 and 165 shall be substituted the three following sections :—

[*Vide supra*, p. 493.]

Amendment of section 166.

106. (*1*) In clause (ii) of section 166, for the words "owner of every building" shall be substituted the words "owner or occupier of any building".

(*2*) In clause (iii) of the same section, for the word "and" shall be substituted the word "or".

107. (*1*) In sub section (*1*) of section 167, between the words "public street" and the words "shall be erected' shall be inserted the words "and no wall or fence bounding or abutting on, any public street" Amendment of section 167

(*2*) In sub section (*2*) of the same section for the last fifteen words shall be substituted the words "within a time to be specified in such notice, so as not to open outwards".

108. From sub section (*1*) of section 168 the words "before the coming into operation of this Act" shall be omitted Amendment of section 168

109. In sub-section (*1*) of section 169, for the first eleven words shall be substituted the words "Every person", for the words "the same" shall be substituted the words "any building or land in a public street', and for the words "the street" shall be substituted the words "such street" Amendment of section 169

110 In section 170, for the words "Municipal Council" shall be substituted the word "Chairman", and between the word "of" and the word "festivals" shall be inserted the word "fairs" Amendment of section 170

111. In section 171, for the words "Municipal Council', wherever they occur, shall be substituted the word "Chairman", and the following proviso shall be added — Amendment of section 171

[*Vide supra* p 495]

112. In sub section (*1*) of section 172, for the ante penultimate word "and" shall be substituted the words "or to" Amendment of section 172

113. For section 173 shall be substituted the following section — New section substituted for section 173.

[*Vide supra,* p 495]

114. After section 173 shall be inserted the following section — Insertion of a new section after section 173

[173A. *Vide supra* p 496]

115. In section 176, for the words "if known and within the municipality, and also the" shall be substituted the word "or", for the words "to maintain and repair sufficient fences for, or trim the hedges of, such land" shall be substituted the words "to construct and maintain sufficient fences for such land, or to trim the hedges thereof", and for the word "Councillors" shall be substituted the word "Council". Amendment of section 176.

116. From section 178 the last sentence, beginning with the words "provided always" shall be omitted Amendment of section 178

117. For section 180 shall be substituted the following section — New section substituted for section 180

[*Vide supra,* p 497]

118. For section 181 shall be substituted the following section — New section substituted for section 181

[*Vide supra,* p 498]

119. After section 181 shall be inserted the two following sections — Insertion of two new sections after section 181

[181A & B *Vide supra,* p 498]

Amendment of section 182.

120. In sub-section (*1*) of section 182, for the words "Municipal Council" shall be substituted the word "Chairman".

New section substituted for section 183.

121. For section 183 shall be substituted the following section:—

[*Vide supra*, p. 499.]

Insertion of a new section after section 185.

122. After section 185 shall be inserted the following section:—

[185A. *Vide supra*, p. 499.]

Substitution of a new sub-section for sub-section (*1*) of section 186.

123. For sub-section (*1*) of section 186 the following shall be substituted:—

[*Vide supra*, p. 499.]

New section substituted for section 188.

124. For section 188 shall be substituted the following section:—

[*Vide supra, p. 500.*]

Amendment of section 189.

125. From section 189 shall be omitted the last twenty words;

Amendment of section 190.

126. (*1*) In section 190, at the beginning, shall be inserted the figure "(*1*)"; and between the word "cart stand" and the word "or" shall be inserted the words "public landing places",

New sub-sections added.

(*2*) To the same section shall be added the following sub-sections:—

[*Vide supra*, p. 502.]

Amendment of section 191.

127. In sub-section (*2*) of section 191, for the words "the flesh thereof" shall be substituted the words "any flesh intended for food",

Insertion of a new section after section 193.

128. *After section 193 shall be inserted the following section:—*

[193A. *Vide supra*, p. 503.]

Amendment of section 194.

129. (*1*) From sub-section (*1*) of section 194 shall be omitted the word "tolls" and also the words "by a resolution passed at a meeting determine to provide places within the municipality for the purpose of being used as public markets, and the Municipal Council may"; and in the same sub-section, for the words "such markets" shall be substituted the words "public markets".

(*2*) From sub-section (*2*) of the same section shall be omitted the words "determine to".

(*3*) In sub-section (*3*) of the same section for the words "Municipal Council" shall be substituted the word "Chairman".

New section substituted for section 196.

130. For section 196 shall be substituted the following section:—

[*Vide supra*, p. 504.]

New section substituted for section 197.

131. For section 197 shall be substituted the following section:—

[*Vide supra*, p. 505.]

Amendment of section 200

132. In section 200, for the words "any market for the sale of any animal or vegetable food or drink within the municipality" shall be substituted

the words "any private market", and between the words "construct such" and the word "drains" shall be inserted the words "approaches, entrances, passages, gates"

133. (*1*) In sub section (*1*) of section 201, for the words "during which such market or place is so opened or kept open" shall be substituted the words "on which he is convicted of having opened or kept open such market or place" Amendment of section 201

(*2*) In sub section (*2*) of the same section, between the word "any" and the word "market" shall be inserted the word "such"

134. In section 202, for the words "any market" shall be substituted the words "any private market in respect of which no license has been applied for, or any private market" Amendment of section 202.

135. (*1*) In sub-section (*1*) of section 204, for the words "Municipal Council" shall be substituted the word "Chairman", and for the word "them" shall be substituted the word "him" Amendment of section 204

(*2*) In sub section (*2*) of the same section, for the words "Municipal Council" shall be substituted the word "Chairman", the words "they or" shall be omitted, and for the last nine words shall be substituted the words "may cause them to be produced before any Magistrate"

(*3*) In sub section (*4*) of the same section, for the words "upon the Municipal Council" shall be substituted the words "directing the Chairman", and between the words "to pay to him" and the word "such" shall be inserted the words "from the Municipal fund"

136. In section 205, for the words "Municipal Council" shall be substituted the word "Chairman", and for the word "them" shall be substituted the word "him" Amendment of section 205

137. After section 205 shall be inserted the following section — Insertion of a new section after section 205

[205A *Vide supra*, p 507]

138. From section 208 shall be omitted the last twenty words Amendment of section 208.

139. For section 209 shall be substituted the following section — New section substituted for section 209

[*Vide supra*, p 508]

140. For sub section (*1*) of section 210 shall be substituted the following sub-section — New sub-section substituted for sub section (*1*) of section 210

[*Vide supra*, p 508]

141. In section 213, at the beginning shall be inserted the words "Subject to the provisions of section 209". Amendment of section 213

142. After section 213 shall be inserted the two following sections — Insertion of two new sections after section 213.

[213A & B *Vide supra* p 509]

143. In sub section (*2*) of section 214, for the words "to alter, repair, cleanse and put the same in good order, in the manner required by the Munici- Amendment of section 214.

155. After section 232 shall be inserted the following section — Insertion of new section after section 232.

[232A. *Vide supra*, p 516]

156. In section 233, before the word "medical", where it first occurs shall be inserted the word "certified", and between the word "practitioner" and the word "direct" shall be inserted the words "arrange for or" Amendment of section 233.

157. After section 233 shall be inserted the three following sections — Insertion of three new sections after section 233.

[233A, B & C *Vide supra*, pp 516-517]

158. In sub section (*1*) of section 234, for the words "may by a resolution at a meeting determine to" shall be substituted the word 'shall' and for the words "or burning" shall be substituted the words "and burning" Amendment of section 234

159. From sub section (*2*), of section 235 shall be omitted the words "determine to" Amendment of section 235

160. In section 238, for the word "and" shall be substituted the word "or" Amendment of section 238

161. In clause (m) of section 241 the word "Chairman" shall be substituted for the words "Municipal Council" Amendment of section 241

162. After section 248 shall be inserted the following section — Insertion of a new section after section 248.

[248A. *Vide supra*, p 520]

163. (*1*) In sub section (*1*) of section 249, for the words "and if" shall be substituted the words "or if", and at the end shall be inserted the words "and whoever refuses or neglects so to sign or mark shall be liable to a fine not exceeding five rupees" Amendment of section 249

(*2*) In sub section (*1*) of the same section, between the word "may" and the word "require" shall be inserted the words "on payment of a further fee of eight annas", and the last sentence, beginning with the words "A fee", shall be omitted

(*3*) To the same section shall be added the following sub-section — New sub-section added.

[*Vide supra*, p 521]

164. (*1*) From sub clause (v) of clause (*a*) of sub section (*1*) of section 250 shall be omitted the word "and", where it last occurs, after the same sub clause shall be inserted the following sub clause — Amendment of section 250.

[*Vide supra*, p 521]

(*2*) In clause (*c*) of the same sub-section before the word "appointment" shall be inserted the word "qualifications", and between the word "suspension" and the word "and" shall be inserted the word 'reduction"

(*3*) The word "and" at the end of clause (*l*) shall be omitted and the present clause (*m*) of the same sub section shall be altered into clause (*n*), and the following inserted as clause (*m*) —

[*Vide supra*, p. 522]

173. For section 263 shall be substituted the following section — New section substituted for section 263

[*Vide supra,* p 528]

174. For section 264 shall be substituted the following section — New section substituted for section 264

[*Vide supra,* p 528]

175. After section 264 shall be inserted the following section — Insertion of a new section after section 264

[264A *Vide supra,* p 528]

176. For section 265 shall be substituted the following section — New section substituted for section 265

[*Vide supra,* p 529]

177. After section 266 shall be inserted the following section — Insertion of a new section after section 266.

[266A *Vide supra,* p 529]

178. After section 267 shall be inserted the following section — Insertion of a new section after section 267

[267A *Vide supra,* p 529]

179. For section 269 shall be substituted the two following sections — Two new sections substituted for section 269

[269 & 269A *Vide supra,* p 530]

180. In section 270 for the last five words shall be substituted the words "credited to the municipal fund, and no suit shall lie for recovery of any sum so credited" Amendment of section 270

181. In sub section (*4*) of section 271, between the word "shall" and the word "be" shall be inserted the words "in the absence from this Act of any distinct provision to the contrary" Amendment of section 271

182. For sub section (*2*) of section 272 shall be substituted the following sub section — New sub section substituted for sub-section (2) of section 272.

[*Vide supra,* p 531]

183. In sub section (*2*) of section 273, for the words "during which he so continues to refuse" shall be substituted the words "upon which he is convicted of having continued so to refuse permission" Amendment of section 273.

184. In sub section (*1*) of section 274, for the words "Municipal Council" shall be substituted the words "Chairman or any person authorized by him in this behalf", and the words, "by themselves or their servants" be omitted Amendment of section 274

185. (*1*) In sub section (*1*) of section 275, for the words "Municipal Council or their servants" shall be substituted the words "Chairman or any person authorized by him in this behalf" Amendment of section 275.

(*2*) In sub section (*2*) of the same section, for the words "Municipal Council" shall be substituted the words "Chairman or the person authorized by him as aforesaid", for the words "hereby granted to them" shall be substituted the words "conferred by sub section (*1*)", and be-

tween the word "and" and the word "shall", where these words first occur, shall be inserted the words "the Municipal Council".

(3) In sub-section (3) of the same section, for the words "Municipal Council make" shall be substituted the words "Chairman or the person authorized by him as aforesaid makes"; for the word "they" shall be substituted the word "he"; and for the word "their" shall be substituted the word "his".

Amendment of section 276.

186. In section 276, for the first five words shall be substituted the words "Whenever the Chairman or the Municipal Council shall have"; for the word "prohibit" shall be substituted the words "shall have prohibited"; and between the word "place" and the word "they" shall be inserted the words "he or".

New clause substituted for clause (i) of sub-section (1) of section 277.

187. For clause (i) of sub-section (1) of section 277 shall be substituted the following clause :—

[*Vide supra*, p. 533.]

Amendment of section 278.

188. In section 278, for the words "or their" shall be substituted the words "the Chairman, or the Municipal".

Amendment of section 279.

189. In section 279, for the figures "1870" shall be substituted the figures "1894".

New section substituted for section 280.

190. For section 280 shall be substituted the following section :—

[*Vide supra*, p. 533.]

New section substituted for section 281.

191. For section 281 shall be substituted the following section :—

[*Vide supra*, p. 533.]

Addition of a sub-section to section 282.

192. After sub-section (3) of section 282 shall be inserted the following sub-section :—

[*Vide supra*, p. 534.]

Insertion of a new section after section 282.

193. After section 282 shall be inserted the following section :—

[282A. *Vide supra*, p. 534.]

Amendment of section 284.

194. In clauses (ii) and (iii) of sub-section (1) of section 284, for the word "and" shall be substituted the word "or".

Amendment of section 286.

195. (1) In sub-section (1) of section 286, for the word "damage" shall be substituted the word "compensation"; and between the word "imposed" and the word "under" shall be inserted the words "or assessed by a Magistrate".

(2) In sub-section (3) of the same section, between the word "fine" and the word "or", wherever these words occur, shall be inserted the word "compensation".

Insertion of a new section after section 289.

196. After section 289 shall be inserted the following section :—

[289A. *Vide supra*, p. 536.]

197. For Schedule A shall be substituted the Schedule hereto annexed — Substitution of a new Schedule for Schedule A

[*Vide supra*, p. 536]

198. (*1*) In Schedules B and C, between the word "springs" and the word "drawn", wherever these words occur, shall be inserted the words "constructed to be" Amendment of Schedules B and C.

(*2*) In the same Schedules, after the word "palanquin" shall be inserted the words "bicycle or tricycle"

(*3*) In the same Schedules, the half yearly rates shall be altered as follows —

(i) *for* Rs 9 0 0 *read* Rs 10 0-0,
(ii) *for* Rs 4 8-0 *read* Rs 5 0-0,
(iii) *for* Rs 1 8-0 *read* Rs 2 0 0,
(iv) *for* Re 0 8-0, where it first appears, *read* Re 1 0, and
(v) *for* Re 0-4 0, where it last appears *read* Re 0-8-0

199. (*1*) From Schedule D the words "drawn by men, buffaloes, bullocks, horses, asses", wherever they occur, shall be omitted Amendment of Schedule D

(*2*) In the same Schedule, after the word "palanquin" shall be inserted the words "bicycle or tricycle"

(*3*) In the same Schedule, for the fifth item shall be substituted the words "on every buffalo, bull, bullock, cow, or ass, laden or ridden, and on every horse, under thirteen hands"

(*4*) In the same Schedule, from the sixth item shall be omitted the words laden or ridden"

(*5*) From the same Schedule the seventh item shall be omitted

(*6*) In the same Schedule, the present Explanation shall be numbered as "Explanation (1)" and the following Explanation shall be added —

[*Vide supra*, p 554]

200. For Schedules E and F shall be substituted the Schedules hereto annexed New Schedules substituted for Schedules E and F

SCHEDULE A (SECTION 47)

[*Vide supra* p 536]

SCHEDULE E (SECTION 101)

[*Vide supra* p 540]

SCHEDULE F (SECTION 105)

[*Vide supra* p 541]

MADRAS ACT No. IV OF 1897.[1]

[THE MADRAS SURVEY AND BOUNDARIES ACT, 1897.]

[*24th April, 1897*; *7th June, 1897.*]

An Act to amend the Law relating to Survey of Lands and Settlement of Boundary Disputes.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to survey of lands and settlement of boundary disputes; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Title.

1. (*1*) This Act may be called the Madras Survey and Boundaries Act, 1897.

Local extent.

(*2*) It extends to the whole of the Presidency of Madras.

Repeal.

2. Act XXVIII of 1860 and Madras Act II of 1884, and also so much of Regulation XII of 1816 as applies to cases of claims to lands or crops, the validity of which claims may depend upon the determination of an uncertain and disputed boundary or land-mark, are hereby repealed.

Interpretation-clause.

3. In this Act, unless there is something repugnant in the subject or context,—

"Estate."

(i) "estate" means—

(*a*) any permanently-settled estate, whether a zamíndári, jágír, mitta or pálaiyam;

(*b*) any portion of such permanently-settled estate which has been separately registered in the office of the Collector;

(*c*) any unsettled pálaiyam or jágír;

(*d*) any inám village of which the grant was made or has been confirmed by the British Government;

(*e*) any portion, consisting of one or more villages of any of the estates specified above in clauses (*a*), (*b*) and (*c*), which is held on a permanent under-tenure:

"Government land."

(ii) "Government land" means any land not forming an estate or any portion thereof:

"Proprietor."

(iii) "proprietor" means any person in whose name any estate is for the time being registered in the office of the Collector of the district wherein the estate is situated, and, in respect of an estate specified in clause (*e*) of sub-section (i), the holder thereof;

---

[1]For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 26th January, 1897, p. 8; for Proceedings in Council, *see ibid*, dated 9th March, 1897, p. 27; *ibid*, dated 4th May, 1897, p. 47.

[1] * * * * * * * *

(iv) "registered holder" means any person in whose name Government land is for the time being registered in the Collector's register

Registered holder'

[2] [Provided that, when any person other than the registered holder is in lawful management of Government land otherwise than as agent or servant of the registered holder or as mortgagee or lessee such person shall be deemed to be the registered holder in respect of such Government land]

(v) Where an estate of Government land is so registered in the names of two or more persons jointly, the proprietor or registered holder, as the case may be, shall, for the purposes of this Act be the person who is recognized by the other joint-holders as the manager of the estate or who, in case of dispute, is recognized by the Collector as senior joint-holder

Proprietor" or "registered holder" in case of joint registration.

(vi) "survey" includes re survey and demarcation

Survey"

(vii) "survey mark" means any mark or thing heretofore or hereafter made, erected or placed for the purpose of indicating survey points or lines above on or below the surface of any land by or by order of any person duly authorized under any enactment for the time being in force to make a survey of such land or to settle the boundaries thereof

Survey mark

4. (*1*) The Local Government may appoint any person either by name or by virtue of his office to be a Survey officer under this Act, and may dismiss suspend or remove any person so appointed

Local Government to appoint and remove Survey officers.

(*2*) Subject to the control of the Local Government and of any superior officer or authority appointed by it in this behalf, every person so appointed shall exercise and perform the powers and duties of a Survey-officer within such local limits as the Local Government may direct

Local Government to prescribe local limits of Survey officers

(*3*) The Local Government may delegate its powers under sub section (*1*) to the Board of Revenue, and it may also delegate to the District Collector such power to be exercised by him for the purposes of section 23 only

Local Government may delegate powers of control.

CHAPTER II

THE SURVEY OF GOVERNMENT LANDS

5. (*1*) The Local Government may, by notification, direct the survey of any Government land

Local Government may direct survey of Government lands.

[3][(*2*) The Local Government may delegate its powers under this section to the Board of Revenue]

6. (*1*) When the survey of any Government land has been directed under section 5, the Survey-officer shall publish a notification inviting every person

Notification to be published by Survey-officer

[1] The proviso which was added by s. 2 of Mad. Act IV of 1900 was repealed by Mad. Act IV of 1911 s 2 *infra*

[2] The proviso was added by s 2 of Mad. Act IV of 1900 *infra*.

[3] This sub section was added by the Madras Decentralisation Act, 1914 (Mad. Act VIII of 1914) *infra*.

claiming to be interested in such land as registered holder or otherwise, to attend either in person or by agent at a specified place and time, and from time to time thereafter when called upon for the purpose of pointing out boundaries and supplying information in connection therewith.

Such notification to be valid notice to persons interested.

(*2*) A notification published under sub-section (*1*) shall be held to be a valid notice to every person having any interest in the land about to be surveyed.

Terms of such notification.

(3) Such notification shall further require all registered holders of the land about to be surveyed—

(*a*) to clear within a specified period, by cutting down or removing any trees, jungle, fences, standing crops, or other material obstructions, the boundaries or other lines the clearance of which may be necessary for the purposes of the survey ;

(*b*) to provide labour at such times and for such periods as may from time to time be required by furnishing flag-holders and chainmen ; and

(*c*) to provide suitable survey-marks and otherwise to give such assistance in the survey as may be demanded under this Act or the rules made thereunder.

Employment of hired labour on failure of registered holders to assist in the survey.

7. (*1*) If any person fails to comply with any requisition of a Survey-officer made under clauses (*a*), (*b*) or (*c*) of sub-section (*3*) of section 6, the Survey-officer may employ hired labour for the purposes of the survey.

Costs to be charged to registered holders of lands surveyed.

(*2*) The Survey-officer shall, in accordance with such rules as the Local Government may prescribe, apportion the cost of such hired labour on the lands which have been surveyed, and charge the same to the registered holders thereof.

Provision of survey-marks.

8. If the registered holder of any land, which has been or is about to be surveyed, fails to provide suitable survey-marks to the satisfaction of the Survey-officer, such officer may himself provide or make such marks, and the cost of providing or making them shall be apportioned and charged as provided in sub-section (*2*) of section 7.

Cost of survey-operations may be defrayed in the first instance by Local Government in certain cases.

9. Notwithstanding anything contained in sub-section (*3*) of section 6 and in sub-section (*1*) of section 7, whenever it may appear to the District Collector to be desirable that the cost of all or any of the operations prescribed in clauses (*a*), (*b*) and (*c*) of sub-section (*3*) of section 6 shall be defrayed in the first instance by the Local Government, the Survey-officer may, in lieu of the notification prescribed in sub-section (*3*) of section 6, issue a notification that such cost will be defrayed in the first instance by the Local Government, and may thereupon proceed with the survey of the land and apportion and charge such cost in the manner prescribed by sub-section (*2*) of section 7.

Recovery of charges incurred by Survey officer

10. The cost of hired labour under sub-section (*1*) of section 7 and of providing survey-marks under section 8 shall be defrayed in the first instance by the Local Government, but any sum charged under section 7, 8 or 9 to the registered holder shall be recoverable from [[1]the land] in the same manner as an arrear of land revenue

Procedure where boundary is undisputed

11. (*1*) If, at the time of survey, a boundary is undisputed, the Survey-officer may order that it shall be laid down as pointed out by the registered holder or his agent

Procedure where boundary is disputed.

(*2*) If the registered holder is not present, or if the boundary is disputed, the Survey officer shall order it to be laid down, as nearly as may be, in accordance with the village records, or as ascertained from the village-officers and from such other evidence as the Survey officer may be able to procure

Order in disputed cases to be in writing

(*3*) The order passed by the Survey officer in the case of any dispute under sub section (*2*) shall be recorded in writing and the purport thereof communicated forthwith to the parties to the dispute, a copy of the order being furnished to them on their application and at their cost

Completion of demarcation to be notified

(*4*) When the survey of any village or other defined local area forming part of the land under survey has been completed in accordance with the orders passed under sub-sections (*1*), (*2*) and (*3*), the Survey officer shall notify the fact as soon as practicable thereafter

Appeals against orders under section 11

12. (*1*) Notice of every order passed by the Survey officer under section 11 shall be given to all registered holders the boundaries of whose holdings may be affected by the order, and an appeal from such order shall lie to the authority to whom the Survey-officer is immediatey subordinate Provided that it be filed,—

(*a*) in the case of an order communicated under sub-section (*3*) of section 11, within three months of the date of the order,

(*b*) in the case of any other order, within three months of the date upon which the notification prescribed by sub section (*4*) of section 11 was published, and

(*c*) where an appeal is filed, notice shall be given by the appellate authority, in the case of an appeal preferred under clause (*a*), to the other parties to the dispute, and in the case of an appeal preferred under clause (*b*), to all registered holders, the boundaries of whose holdings may be affected by the proceedings in appeal

Appellate decision to be in writing

(*2*) The decision of the appellate authority shall be recorded in writing and the purport thereof communicated forthwith to the parties concerned, a copy of the order being furnished to them on their application and at their cost

---

[1] The words "the land" were substituted for the word "him" by s. 3 of Mad. Act IV of 1900, *infra*

Such order or appellate decision final in certain cases.

(3) The order of the Survey-officer, or, in the event of an appeal being filed, the decision of the appellate authority, shall be final, and there shall be no further appeal from such decision.

Institution of a suit in Civil Court within one year to establish rights claimed in respect of the boundary of property surveyed.

13. Any party to a boundary dispute before the Survey-officer, and any party to an appeal preferred under section 12 or to whom notice of such appeal is given, and any person claiming under any such party, deeming himself aggrieved by the order of the Survey-officer or by the decision of the appellate authority, as the case may be, may, subject to the provisions of Parts II and III of the Indian Limitation Act, 1877,[1] institute, within the period of one XV
year from the date of such order or decision, a suit to establish the right which he claims in respect of the boundary of the property surveyed: Provided that, subject to the result of such suit, if any, such order or decision shall be conclusive as between the parties to the dispute or to the appeal, including those to whom notice of such appeal has been given, and those claiming under such parties or any of them.

Explanation.—Where parties litigate *boná fide* in respect of boundaries of property claimed in common for themselves and others, all persons interested in such boundary-dispute shall, for the purpose of this section, be deemed to claim under parties so litigating.

Raiyats responsible for the maintenance of survey-marks.

14. Subject to such rules as the Local Government may prescribe in this behalf, every registered holder of Government land shall be bound to maintain, renew and repair the survey marks on or within the boundaries of his holding, and in default of his doing so within a prescribed period, the Survey-officer or the Collector may, at the cost of the Local Government maintain, renew and repair such survey-marks, apportion the cost thereof, and recover such cost from the [[2]land] as an arrear of land-revenue: Provided that the Local Government may from time to time exempt, by a notification, any local area from the operation of the former part of this section, and cancel such notification.

Duties of village-officers in this respect.

15. It shall be the duty of every village-headman and of every village-accountant—

(*a*) to prevent the destruction, injury or alteration of any survey-mark on or within the limits of his jurisdiction; and,

(*b*) when he becomes aware that any such mark has been destroyed, injured or altered, to report the fact to his immediate official superior or the nearest Survey-officer having jurisdiction.

Order imposing charges to be communicated to persons affected.

16. (*1*) Every order of a Survey-officer or of a Collector imposing charges under sections 7, 8, 9 and 14 shall be recorded in writing, and an account prepared in accordance therewith communicated forthwith to the persons affected; a copy of the order being supplied to them on their application and at their cost.

---

[1] *See* now the Indian Limitation Act, 1908 (IX of 1908) Printed, General Acts, Vol. VI.

[2] The word "land" was substituted for the words "registered holder" by Mad. Act IV of 1900, s. 3.

(2) An appeal against every such order shall lie to the authority to whom the officer passing it is immediately subordinate Provided that it be filed within one month of the date of such order — *Appellate authority*

(3) The order of the Survey officer or Collector, if an appeal is not preferred, or, in the event of an appeal being filed the decision of the appellate authority shall be final — *Order of appellate decision final*

CHAPTER III

THE SURVEY OF ESTATES

Local Government may direct survey of an estate in certain cases.

17. (1) The Local Government may, by notification, direct the survey of any estate or portion of an estate,—

(a) on the application in writing of the proprietor of such estate accompanied by a written statement of his consent to defray the whole cost of the survey, or,

(b) without such application for reasons to be recorded prior to the issue of such notification

Proviso. Provided that a survey commenced under clause (a) shall be stopped on the withdrawal by the proprietor of his application, unless the Local Government sees reason to direct the continuance of the survey in virtue of the power conferred on it by clause (b)

[1] [(2) The Local Government may delegate its powers under this section to the Board of Revenue]

Procedure to be observed during survey

18. Except as hereinafter provided in sections 19 and 20, the conduct of such survey and the proceedings of a Survey officer shall, as far as may be, be regulated by the procedure laid down in Chapter II with regard to the survey of Government lands, and the provisions contained in that Chapter in regard to appeals from the order of a Survey officer, the granting of copies thereof and the effect of such orders and of the decision passed in appeals therefrom, shall, as far as may be, apply to all orders passed by a Survey officer under this Chapter and to the decisions passed in appeals against such orders

Cost of survey recoverable from proprietor

19. All costs incurred by the Local Government on account of a survey conducted under this Chapter shall be recoverable from * * * * [2] the estate the whole or a part of which has been surveyed in the same manner as an arrear of land revenue

Provided that the cost of a survey directed under clause (b) of section 17 shall be borne by the Local Government unless otherwise prescribed by any law for the time being in force

Local Government may apportion cost of

20. (1) On the application of the proprietor of an estate under survey, the Local Government may direct the Survey officer to apportion among the lands which have been surveyed the whole or a specified proportion of the cost of

---

[1] This sub-section was added by the Madras Decentralization Act, 1914 (Mad. Act VIII of 1914), infra.

[2] The words "the proprietor of" were repealed by Mad. Act IV of 1900 s. 4.

Such order or appellate decision final in certain cases.

(3) The order of the Survey-officer, or, in the event of an appeal being filed, the decision of the appellate authority, shall be final, and there shall be no further appeal from such decision.

Institution of a suit in Civil Court within one year to establish rights claimed in respect of the boundary of property surveyed.

13. Any party to a boundary dispute before the Survey-officer, and any party to an appeal preferred under section 12 or to whom notice of such appeal is given, and any person claiming under any such party, deeming himself aggrieved by the order of the Survey-officer or by the decision of the appellate authority, as the case may be, may, subject to the provisions of Parts II and III of the Indian Limitation Act, 1877,[1] institute, within the period of one XV
year from the date of such order or decision, a suit to establish the right which he claims in respect of the boundary of the property surveyed: Provided that, subject to the result of such suit, if any, such order or decision shall be conclusive as between the parties to the dispute or to the appeal, including those to whom notice of such appeal has been given, and those claiming under such parties or any of them.

Explanation.—Where parties litigate *boná fide* in respect of boundaries of property claimed in common for themselves and others, all persons interested in such boundary-dispute shall, for the purpose of this section, be deemed to claim under parties so litigating.

Raiyats responsible for the maintenance of survey-marks.

14. Subject to such rules as the Local Government may prescribe in this behalf, every registered holder of Government land shall be bound to maintain, renew and repair the survey marks on or within the boundaries of his holding, and in default of his doing so within a prescribed period, the Survey-officer or the Collector may, at the cost of the Local Government maintain, renew and repair such survey-marks, apportion the cost thereof, and recover such cost from the [[2]land] as an arrear of land-revenue: Provided that the Local Government may from time to time exempt, by a notification, any local area from the operation of the former part of this section, and cancel such notification.

Duties of village-officers in this respect.

15. It shall be the duty of every village-headman and of every villag[e] accountant—

(*a*) to prevent the destruction, injury or alteration of any survey-ma[rk] on or within the limits of his jurisdiction; and,

(*b*) when he becomes aware that any such mark has been destro[yed] injured or altered, to report the fact to his immediate off[icial] superior or the nearest Survey-officer having jurisdiction.

Order imposing charges to be communicated to persons affected.

16. (*1*) Every order of a Survey-officer or of a Collector imposing ch[arges] under sections 7, 8, 9 and 14 shall be recorded in writing, and an accoun[t pre]pared in accordance therewith communicated forthwith to the p[ersons] affected; a copy of the order being supplied to them on their appl[ication] and at their cost.

[1] *See* now the Indian Limitation Act, 1908 (IX of 1908) Printed, General Acts, Vol
[2] The word "land" was substituted for the words "registered holder" by Mad of 1900, s. 3.

(b) if empowered under sub section (3) of section 4, appoint one of his subordinates not below the rank of Deputy Tahsíldár as Survey-officer to deal therewith

[[1] (2) An officer to whom any dispute is referred for disposal by the District Collector under sub section (1) may either dispose of it himself or refer it for disposal to any officer subordinate to himself, not being below the rank of Deputy Tahsíldár, and every officer to whom a dispute is referred for disposal as aforesaid shall be a Survey officer for the purposes of this Act]

24. (1) The District Collector or Survey officer, as the case may be, shall, after giving due notice of the time and place at which his inquiry will be held, proceed to investigate the claims of the various parties and record the evidence of all person examined by him — Inquiry regarding dispute

(2) At the close of the investigation, he shall record in writing his decision and the reasons upon which it is based, and, after duly informing the parties of the same and intimating to them the date on which he intends to demarcate according to his decision, shall proceed to mark out the requisite boundaries conformably therewith — Decision and demarcation in accordance therewith

(3) The date on which the demarcation is completed shall be entered on the record of the case and forthwith communicated to the parties — Completion of demarcation to be intimated to parties.

(4) The decision so arrived at shall be final unless reversed or modified by the decree of a Civil Court Provided that in the case of an order passed by [2] [a Survey officer] below the rank of a Collector such decision shall be [3] [submitted to the District Collector or Collector by whom the dispute was referred to him for disposal under sub section (1) or (2), as the case may be, of section 23 and such District Collector or Collector] after giving notice to the parties concerned and hearing them if they appear, shall either confirm it or pass such other order as he may deem fit — Decision when final.

25. The provisions of section 13 shall apply, *mutatis mutandis*, in the case of any final decision passed under the preceding section

26. (1) In the case of any dispute settled under the provisions of this Chapter, the costs of survey shall in the first instance be defrayed by the Local Government, and shall then be apportioned by the District Collector or the Survey officer, in accordance with such rules as the Local Government may prescribe, among the parties to the dispute and the amount so apportioned to each party shall be recoverable from him as an arrear of land revenue — Recovery of cost of survey in cases of disputes settled under this Chapter

---

[1] This sub section was substituted for the original sub section (2) by the Madras Decentralization Act 1914 (Mad. Act VIII of 1914), infra.
[2] These words were substituted for the words "an officer" by ibid
[3] These words and figures were substituted for the words "submitted to the Collector, who" by ibid

(2) Appeals against orders passed under sub-section (1) shall be governed by the provisions of section 16.

27. The provisions of Chapters II or III, as the case may be, shall, so far as they relate to the maintenance, renewal and construction of survey-marks, apply to marks erected under this Chapter.

CHAPTER V.

MISCELLANEOUS.

Power to enter upon and examine lands.

28. For the purpose of any survey, inquiry or other proceeding under this Act, the Survey-officer or the District Collector or any of the subordinates of such officers, shall have power to enter upon, examine and measure any land under survey.

Power to summon witnesses and require production of documents.

29. Any Survey-officer generally or specially authorized in that behalf, or the District Collector, or any officer to whom an appeal is preferred under any of the provisions of this Act, may, for the purposes of any survey, inquiry or other proceeding under this Act, summon and enforce the attendance of any person for giving evidence and for the production of documents or for the purpose of rendering assistance in the survey of any land in which such person has an interest; and the procedure prescribed in the [1] Code of Civil Procedure X for summoning and enforcing the attendance of witnesses and for the recording of evidence shall be followed as far as it can be made applicable.

Reference to arbitration.

30. (1) The District Collector or Survey-officer may, with the consent of all the parties concerned, refer to arbitration any dispute as to a boundary.

Procedure in such cases.

(2) The procedure laid down in Chapter XXXVII of the Code of Civil X Procedure[1] shall thereupon apply as far as may be.

(3) The decision of the District Collector or the Survey-officer passed in accordance with such award shall be conclusive between the parties to such arbitration and those claiming under them.

Proprietor or registered holder may recover expenses paid by him from the owner of the estate or Government land and may acquire a charge upon the land to that extent.

31. (i) A proprietor or registered holder of any estate or Government land under survey who incurs any expenses under this Act in respect of such survey, or from whom the expenses of such survey are recovered under this Act, shall, if he be not the owner thereof, acquire a charge on such estate or Government land to the extent of the expenses so incurred or recovered from him, with interest thereon at the rate of nine per cent per annum: Provided that, if he be a co-owner of such estate or Government land, such charge shall extend only to so much of the amount of such expenses as is payable in respect of the shares of the other co-owners in such estate or Government land.

---

[1] See now the Code of Civil Procedure, 1908 (Act V of 1908) Printed, General Acts, Vol. VI.

(ii) It shall be lawful for any person who is a mortgagee, lessee or tenant, or who is the owner or co-owner or in good faith believes himself to be the owner or co owner of an estate or Government land under survey to pay the charges payable under this Act in respect of the survey of such estate or Government land, though he be not the proprietor or registered holder thereof

Mortgagee, lessee tenant or owner or co owner may pay charges payable by proprietor or registered holder

(iii) A mortgagee making such payment shall be entitled to add the same to the principal money due under the mortgage at the rate of interest payable on the principal and, where no such rate is fixed, at the rate of nine per cent per annum And a lessee or tenant making such payment shall be entitled to deduct the same with interest at the rate of nine per cent per annum from the rent then due, or thereafter becoming due, in respect of such estate or Government land

Claim of mortgagee, tenant or lessee in such case

(iv) A co owner or a person who, in good faith, deems himself to be owner or co owner, making such payment, shall acquire a charge on such estate or Government land for the amount so paid by him with interest thereon at the rate of nine per cent per annum Provided that in the case of a co owner such charge shall extend only to so much of the amount paid as is due in respect of the share of the other co owners in such estate or Government land

Co-owner similarly to acquire a charge upon the land

32. The Local Government may make [1] rules consistent with this Act—

Local Government may make rules under the Act.

(a) prescribing for different localities the unit of survey, the sub divisions thereof, and the description of the survey marks, and for the maintenance, renewal and repair of such marks,
(b) for the collection and record of any information in respect of any land which has been or is about to be surveyed,
(c) prescribing and limiting the powers and duties of officers conducting proceedings under this Act and for regulating their procedure,
(d) for the publication of all notifications issued under this Act, and for the issue and service of all orders, communications and notices to be issued, communicated, given or served under this Act,
(e) for the apportionment of all charges directed to be apportioned by this Act,
(f) prescribing the fees payable for processes issued and copies granted under this Act; and
(g) generally for carrying out the purposes of this Act,

and all such rules shall be published in the Fort St George Gazette and shall thereupon have the force of law

33. No suit or other legal proceedings shall lie against any person for anything in good faith done or purporting to be done under this Act

Indemnity for acts done in good faith or purporting to be so done.

---

[1] See Madras List of Local Rules and Orders

MADRAS ACT No V of 1898 [1]

[The Malabar Wills Act, 1898]

[9th July, 1898 , 3rd August, 1898]

An Act to declare the testamentary power of persons governed by the Marumakkatayam or the Aliyasantana law of inheritance, and to provide rules for the execution, attestation, revocation and revival of the wills of such persons

Preamble. Whereas doubts have arisen regarding the testamentary power of persons governed by the Marumakkatayam or the Aliyasantana law of inheritance, and whereas it is expedient to remove such doubts, and to provide rules for the execution, attestation, revocation and revival of the wills of such persons, It is hereby enacted as follows —

PART I

Preliminary

Short title. **1.** *(1)* This Act may be called the Malabar Wills Act, 1898

Local extent. (2) It extends to the whole of the Presidency of Madras, and

Commencement. (3) It shall come into force on such date[2] as the Local Government by notification shall appoint in this behalf

Provided that nothing in this Act shall be deemed to affect the Hindu
1870 Wills Act, 1870 [3]

Interpretation-clause. **2.** In this Act, unless there be something repugnant in the subject or context,—

"Minor" *(1)* "minor" means any person who shall not have completed the age of eighteen years

"Will" (2) "will" means any legal declaration of the intentions of the testator with respect to his property which he desires to be carried into effect after his death

"Codicil" (3) "codicil" means an instrument made in relation to a will and explaining, altering or adding to its dispositions It is considered as forming an additional part of the will

---

[1] [illegible] 1...th July, 1898, p. 3.
The Governor General's assent to this Act was published in the Fort St George Gazette, dated 16th August, 1898.
[2] The Act came into force on 2nd September 1898, see Fort St. George Gazette, 1898, Pt. I, p. 813, Notification No 421 [illegible] September, 1898
[3] Printed, General Acts, Vol. II

PART II.

Of Wills.

Persons to whom this Part shall apply.

3. This part shall apply to persons domiciled in the Presidency of Madras who are governed by the Marumakkatayam or the Aliyasantana law of inheritance.

Persons capable of making wills.

4. Every person of sound mind and not a minor may by will dispose of property which he could legally alienate by gift *inter vivos* and shall be deemed to have been always competent so to dispose of such property.

Explanation I.—Persons who are deaf or dumb or blind are not thereby incapacitated for making a will, if they are able to know what they do by it.

Explanation II.—One who is ordinarily insane may make a will during an interval in which he is of sound mind.

Explanation III.—No person can make a will while he is in such a state of mind whether arising from drunkenness or from illness or from any other cause that he does not know what he is doing.

Will obtained by fraud, coercion or importunity.

5. A will or any part of a will, the making of which has been caused by fraud or coercion, or by such importunity as takes away the free agency of the testator, is void.

Will may be revoked, or altered.

6. A will is liable to be revoked or altered by the maker of it at any time when he is competent to dispose of his property by will.

Saving clause.

7. Nothing contained in section 4 shall—

(*a*) affect any right established before the commencement of this Act by a final decree of a Court of competent jurisdiction ;

(*b*) authorize a testator to deprive any persons of any right of maintenance of which, but for section 4, he could not deprive them by will ;

(*c*) affect any law of intestate succession or authorize any testator to create in property any interest which he could not have created prior to this Act.

PART III.

Of the Execution, Attestation, Revocation, Alteration and Revival of Wills.

Persons to whom this Part shall apply.

8. This part shall apply to persons governed by the Marumakkatayam or the Aliyasantana law of inheritance, whether they are domiciled in the Presidency of Madras or not.

Execution of wills and codicils.

9. All wills and codicils made on or after the date of the commencement of this Act within the Presidency of Madras, and all such wills and codicils made outside the said Presidency so far as relate to immoveable property situated within the said Presidency, must be executed according to the following rules :

1st.—The testator shall sign or shall affix his mark to the will, or it shall be signed by some other person in his presence and by his direction.

2nd —The signature or mark of the testator, or the signature of the person signing for him, shall be so placed that it shall appear that it was intended thereby to give effect to the writing as a will

3rd —The will shall be attested by two or more witnesses, each of whom must have seen the testator sign or affix his mark to the will, or have seen some other person sign the will in the presence and by the direction of the testator, or have received from the testator a personal acknowledgment of his signature or mark, or of the signature of such other person, and each of the witnesses must sign the will in the presence of the testator, but it shall not be necessary that more than one witness be present at the same time, and no particular form of attestation shall be necessary

10. If a testator, in a will or codicil duly attested, refers to any other document then actually written, as expressing any part of his intentions, such document shall be considered as forming a part of the will or codicil in which it is referred to

Incorporation of papers by reference

11. No person, by reason of interest in, or of his being an executor of, a will, is disqualified as a witness to prove the execution of the will or to prove the validity or invalidity thereof

Witness not disqualified by interest or by being executor

12. No will or codicil, nor any part thereof, shall be revoked otherwise than by another will or codicil or by some writing declaring an intention to revoke the same and executed in the manner in which a will is hereinbefore required to be executed, or by the burning, tearing or otherwise destroying the same by the testator, or by some person in his presence and by his direction, with the intention of revoking the same

Revocation of will or codicil.

13. No obliteration, interlineation or other alteration made in any will after the execution thereof shall have any effect, except so far as the words or meaning of the will shall have been thereby rendered illegible or undiscernible, unless such alteration shall be executed in like manner as hereinbefore is required for the execution of the will, save that the will, as so altered shall be deemed to be duly executed if the signature of the testator and the subscription of the witnesses be made in the margin or on some other part of the will opposite or near to such alteration, or at the foot or end of or opposite to a memorandum referring to such alteration, and written at the end or some other part of the will

Effect of obliteration, interlineation or alteration in a will.

14. No will or codicil, nor any part thereof, which shall be in any manner revoked, shall be revived otherwise than by the re-execution thereof, or by a codicil executed in manner hereinbefore required and showing an intention to revive the same, and when any will or codicil, which shall be partly revoked and afterwards wholly revoked, shall be revived, such revival shall not extend to so much thereof as shall have been revoked before the revocation of the whole thereof, unless an intention to the contrary shall be shown by the will or codicil

Revival of a will or codicil

15. No will or codicil made by a soldier employed in an expedition or engaged in actual warfare or by a mariner at sea and no revocation by such person

Exec[illegible] and revocation of will

or codicil by soldiers or mariners. of his will or codicil shall be deemed invalid by reason only of such will, codicil or revocation not being made in accordance with the provisions of this Part.

MADRAS ACT No. I OF 1899.[1]

[THE MADRAS DISTRICT MUNICIPALITIES (AMENDMENT) ACT, 1899.]

[12th February, 1899; 1st March, 1899.]

An Act to amend Madras Act IV of 1884.

Preamble. WHEREAS it is expedient to amend Madras Act IV of 1884 (the Madras District Municipalities Act, 1884); It is hereby enacted as follows:—

Amendment of section 191. **1.** In sub-section (*2*) of section 191 of the said Act, the words "or fish" shall be inserted after the words "any flesh," and the following words shall be added as a proviso to the said sub-section:—

[*Vide supra*, p. 503.]

MADRAS ACT No. III OF 1899.[2]

[THE MADRAS REGISTRATION OF BIRTHS AND DEATHS ACT, 1899.]

[3rd April, 1899; 3rd May, 1899.]

An Act to make provision for the Registration of Births and Deaths in Rural Tracts.

Preamble. WHEREAS it is expedient to make provision for the registration of births and deaths in rural tracts; It is hereby enacted as follows:—

Title. **1.** This Act may be called the Madras Registration of Births and Deaths Act, 1899.

Extension and withdrawal of Act. **2.** The Local Government may, by[3] notification, extend this Act, or any portion thereof, to any local area beyond the limits of the city of Madras and of the municipalities constituted under the Madras District Municipalities Act, 1884, and may also by notification exclude any such local area from the operation of the Act or any portion thereof. Mad. Act IV of 1884.

---

[1] Short title, "The Madras District Municipalities (Amendment) Act, 1899"—*see* the Repealing and Amending Act, 1901 (XI of 1901).

For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement dated 20th December, 1898; for Proceedings in Council, *see ibid*, dated 14th February, 1899, p. 6.

The Governor General's assent to this Act was published in the Fort St. George Gazette, dated 14th March, 1899.

[2] For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 22nd November, 1898, for Proceedings in Council, *see ibid*, dated 20th December 1898, p. 15; and *ibid* dated 28th March, 1899, p. 16.

The Governor General's assent to this Act was published in the Fort St. George Gazette, dated 8th June, 1899.

[3] *See* Madras List of Local Rules and Orders.

3. In this Act, unless there is something repugnant in the subject or context,— *Interpretation-clause*

"village" means any local area which for purposes of revenue administration is now recognised as a village, or which may hereafter be declared by the Local Government to be a village, and in which local area this Act or any portion thereof is in force, *'Village.'*

"registrar" means a person appointed registrar of births and deaths under section 5 of this Act *'Registrar.'*

4. On the publication of a notification under section 2 extending this Act or any portion thereof to any local area, the District Collector shall cause to be proclaimed in the vernacular language by notices posted at the village chavadi or other conspicuous place and by beat of drum in every village within the area so notified and by publication in the District Gazette the date from which registration of births and deaths will be compulsory in the said area *District Collector to proclaim that registration will be compulsory*

5. (*1*) On the publication of such notification, the Collector shall appoint a person either by name or by virtue of any office he may hold to be registrar of births and deaths for each village, or may if he sees fit divide any village into wards and appoint a person either by name or by virtue of any office he may hold to be registrar of births and deaths for each ward *Appointment of registrars.*

(*2*) Every registrar so appointed shall keep in the prescribed form a register of births and deaths for his village or ward as the case may be *Registrars to keep registers in the prescribed form.*

6. Every such registrar shall, unless otherwise expressly authorised by the Collector in writing, reside within the village or ward of which he is the registrar, and shall cause his name, with the addition of registrar of births and deaths for the village or ward for which he is so appointed, written in the vernacular language, to be placed in some conspicuous place on or near the outer door of his office *Registrars to live in their villages or wards.*

7. (*1*) The District Collector shall cause to be printed and supplied a sufficient number of register books for making entries of births and deaths according to such forms and instructions as may, from time to time, be prescribed by the Local Government *District Collector to have registers printed and supplied.*

(*2*) A copy of such forms in the vernacular language shall be posted in some conspicuous place on or near the outer door of the office of every registrar *Copy of such forms to be posted in the office of the registrar*

8. The father of every child or in case of the death, illness, absence or inability of the father, the midwife assisting at the birth, and in her default every adult male member of the family resident in the house in which the child was born and any person having charge of the child, or in default of the above the mother, shall, within two weeks next after the day of such birth, give or cause to be given, either orally or in writing information to the registrar, according to the best of his knowledge and belief, of the several particulars required to be entered in the forms prescribed under section 7 *Information of births to be given within two weeks.*

Provisos.

Provided that a person not required to give information in the first instance but only in default of some other person shall not be bound to give information under this Act if he had reasonable cause to suppose that the information had been or would be duly given by such other person :

Provided also that, in the case of an illegitimate child, it shall in the first instance be the duty of the mother of such child to give information under this Act, and no person shall, as father of such child, be required to give information under this Act concerning the birth of such child, and the registrar shall not enter in the register the name of any person as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and unless such person shall sign the register together with the mother.

Information to be given respecting new-born child found exposed.

9. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

Information of death to be given within four days.

10. The nearest adult male relative present at the death, or in attendance during the last illness, of any person dying in a village, or, in case of the default of such relative, every adult male person present at the death, or, in case of their default, the occupier of the house, or in his default every adult male person living in the house in which such death has happened, or, in case of the default of such inmate, the person undertaking the disposal of the corpse shall, within four days from the date of death, give or cause to be given either orally or in writing, information to the registrar, according to the best of his knowledge and belief, of the several particulars required to be entered in the forms prescribed under section 7 :

Provided that a person not required to give information in the first instance, but only in default of some other person, shall not be bound to give information under this Act if he had reasonable cause to suppose that the information had been or would be duly given by such other person.

Head of the village bound to give information regarding other deaths.

11. In case any person is found dead in a village under circumstances not covered by section 10, it shall be the duty of the head of the village to give forthwith, to the best of his knowledge and belief, to the registrar, such information of the particulars required to be registered concerning such death as the informant possesses.

In case of births and deaths in hospital, Medical officer in charge to send notice to the registrar.

12. Notwithstanding anything contained in sections 8 and 10 of this Act,—

(*1*) in case of a child being born or of a person dying in any hospital, it shall be the duty of the medical officer in charge forthwith to send to the registrar a notice in writing of the occurrence of such birth or death containing the several particulars required to be entered in the forms prescribed under section 7 ;

(2) in case of a child being born or of a person, dying in any choultry, chhattram, hotel, boarding house, lodging house, tavern, arrack or toddy shop or place of public resort, it shall be the duty of the owner, keeper or person in charge thereof to give the information required under sections 8 and 10 in the manner specified therein within forty-eight hours of the birth or death, as the case may be

In case of births and deaths in choultries, etc., keeper or person in charge to give the information required.

13. Every person who has orally given to a registrar any information required under this Act shall write in the register his name, description and place of abode, and, if he cannot write, shall put his mark in the register to his name, description and place of abode, these particulars being in such case entered by the registrar

A person giving oral information to write his name in the register

14. The registrar shall, as soon as the registration of the birth of a child has been completed, give, on application, free of all charge, to the person who gives *information of the birth an extract under his hand from the register* relating to such birth

When registrar to give extract *free of charge.*

15. Every registrar shall without fee or reward register all information furnished to him under sections 8 to 13, and it shall also be his duty to inform himself carefully of every birth and of every death which takes place in his village or ward, and he shall ascertain and register, as soon as conveniently may be after the event, the particulars required to be registered according to the forms prescribed under section 7 touching every such birth and death as the case may be, which has not already been registered

Registrar to register information without fee or reward and inform himself of every birth and death.

16. When the birth of any child has been registered without name, the parent or guardian of such child may, within twelve months next after the registration of birth, require the registrar to enter in the register the name of such child, and the registrar shall thereupon enter the name, and shall initial and date the entry.

Entry of name of child.

17. Subject to any rules which the Local Government may make under section 20, any person may at all reasonable times, on payment of a fee of four annas for each visit, search any register of births and deaths, and may on payment of a further fee of four annas obtain an extract from such register relating to any birth or death registered therein

Search of birth and death registers.

All extracts given under this section shall be certified as provided in section 76 of the Indian Evidence Act, 1872,[1] I of 1872, and may be produced in proof of the entries of which they purport to be copies

18. Any person who—

Penalty for omission to give information, etc

(1) fails without reasonable cause to give any information which it is his duty to give under sections 8, 9, 10, 11 and 12 of this Act, or

(2) gives, or causes to be given, for the purpose of being inserted in any register of births or deaths, any information which is false and which he knows or believes to be false touching any of the particulars required to be known and registered; or

[1] Printed General Acts, Vol. II.

MADRAS ACT No I OF 1900 [1]

[THE MALABAR COMPENSATION FOR TENANTS IMPROVEMENTS ACT, 1899]

[*4th December, 1899 , 3rd January, 1900*]

An Act to secure to Tenants in the Malabar District compensation for improvements

WHEREAS it is expedient to amend the law relating to compensation for improvements made by tenants in the Malabar District , It is hereby enacted as follows — Preamble

1. This Act may be called the Malabar Compensation for Tenants Improvements Act, 1899 , and it shall be applicable to the whole of the Malabar District Short title and local extent

2. [*Repeal of Act I of 1887*] *Rep by the Repealing and Amending Act, 1901 (XI of 1901)*

3. In this Act, unless there is something repugnant in the subject or context,— Interpretation-clause

(*1*) " tenant, " with its grammatical variations and cognate expressions includes a person who as lessee, sub-lessee, mortgagee or sub mortgagee or in good faith believing himself to be lessee, sub lessee, mortgagee or sub-mortgagee of land is in possession thereof, or who, with the *bonâ fide* intention of attorning and paying the customary rent to the person entitled to cultivate or let waste-land, but without the permission of such person, brings such land under cultivation and is in occupation thereof as cultivator "Tenant"

(*2*) " ejectment " includes redemption or recovery of possession of land mortgaged "Ejectment."

(*3*) " improvement " means any work or product of a work which adds to the value of the holding, is suitable to it and consistent with the purpose for which the holding was let, mortgaged or occupied "Improvement"

4. Until the contrary is shown the following works or the products of such works shall be presumed to be improvements for the purposes of this Act — What are presumed to be improvements

(*a*) the erection of dwelling houses, buildings appurtenant thereto, and farm buildings ,

(*b*) the construction of tanks, wells, channels, dams and other works for the storage or supply of water for agricultural or domestic purposes ,

(*c*) the preparation of land for irrigation ,

(*d*) the conversion of one-crop into two-crop land ,

(*e*) the drainage, reclamation from rivers or other waters, or protection from floods, or from erosion or other damage by water, of land used for agricultural purposes, or of waste land which is culturable ,

---

[1] For Statement of Objects and Reasons see Fort St George Gazette Supplement dated [illegible] 1899 [illegible] August 1899 [illegible], dated 12 [illegible] Gazette dated [illegible]

MADRAS ACT No I OF 1900[1]

[THE MALABAR COMPENSATION FOR TENANTS IMPROVEMENTS ACT, 1899]

[1th December, 1899 , 3rd January, 1900]

An Act to secure to Tenants in the Malabar District compensation for improvements

WHEREAS it is expedient to amend the law relating to compensation for improvements made by tenants in the Malabar District, It is hereby enacted as follows — Preamble

1. This Act may be called the Malabar Compensation for Tenants Improvements Act, 1899, and it shall be applicable to the whole of the Malabar District. Short title and local extent

2. *[Repeal of Act I of 1887] Rep by the Repealing and Amending Act, 1901 (XI of 1901)*

3. In this Act, unless there is something repugnant in the subject or context,— Interpretation clause.

(*1*) "tenant," with its grammatical variations and cognate expressions, includes a person who as lessee, sub-lessee, mortgagee or sub mortgagee or in good faith believing himself to be lessee, sub lessee, mortgagee or sub-mortgagee of land is in possession thereof, or who, with the *bonâ fide* intention of attorning and paying the customary rent to the person entitled to cultivate or let waste land, but without the permission of such person, brings such land under cultivation and is in occupation thereof as cultivator Tenant.

(*2*) "ejectment" includes redemption or recovery of possession of land mortgaged "Ejectment."

(*3*) "improvement" means any work or product of a work which adds to the value of the holding, is suitable to it and consistent with the purpose for which the holding was let, mortgaged or occupied Improvement

4. Until the contrary is shown the following works or the products of such works shall be presumed to be improvements for the purposes of this Act — What are presumed to be improvements.

(*a*) the erection of dwelling houses, buildings appurtenant thereto, and farm buildings,

(*b*) the construction of tanks, wells, channels, dams and other works for the storage or supply of water for agricultural or domestic purposes,

(*c*) the preparation of land for irrigation,

(*d*) the conversion of one-crop into two crop land,

(*e*) the drainage, reclamation from rivers or other waters, or protection from floods, or from erosion or other damage by water, of land used for agricultural purposes, or of waste land which is culturable,

---

[1] For Statement of Objects and Reasons see Fort St George Gazette, Supplement dated 13th December, 1898, for Report of the Select Committee, see ibid dated 1st August 1899, p. 1, for Proceedings in Council see ibid dated 14th February 1899, p. 3, and ibid, dated 12th December 1899, p. 16.

The Governor General's assent to this Act was published in the Fort St. George Gazette, dated 9th January 1900.

7. Whenever a Court passes a decree or order for ejectment against a tenant and such tenant has erected any building constructed any work or planted any tree which the Court finds is not an improvement for which compensation can be claimed, but which the Court finds can be removed without substantial injury to the holding such tenant may remove such building work or tree within a time to be fixed by the Court in its decree or order

Tenant may remove buildings works or trees not deemed improvements within a time to be fixed.

8. The Local Government may, from time to time, by notification in the Fort St George and Malabar District Gazettes make rules requiring the Court to associate with itself, for the purpose of estimating the compensation to be awarded under section 6 for an improvement such number of assessors as the Local Government thinks fit, determining the qualifications of those assessors the mode of selecting them, the fee payable to them and the procedure to be followed in case of a difference of opinion between the judge and one or more of such assessors

Powers to make rules for appointment of assessors etc.

9. (*1*) When the improvement is not an improvement to which section 13 applies and has caused an increase in the value of the annual net produce of the holding the Court shall determine, as nearly as may be, the average net money value of such increase and the number of years during which such increase may reasonably be expected to continue and shall then ascertain the present value, at 6 per cent of an annuity equal to such money value for such number of years and also the cost of making the improvement determined in the manner prescribed in section 11

Improvement [illegible] an increase in the value of the annual net produce

(*2*) If the present value of the annuity does not exceed the cost of making the improvement, the present value shall be the compensation to be awarded.

(*3*) If the present value of the annuity exceeds the cost of making the improvement the compensation to be awarded shall be the cost together with one half of the excess

Explanation —The value of the net produce means the amount remaining after deducting from the value of the gross produce the cost of cultivation and the Government assessment and cesses

10. When the improvement is not an improvement to which section 9 applies, but consists of timber trees or of other useful trees or plants spontaneously grown during the period of the tenancy or sown or planted by any of the persons mentioned in section 5, the compensation to be awarded shall be three fourths of the sum which the trees or plants might reasonably be expected to realize, if sold by public auction to be cut and carried away

Improvement [illegible] trees or plants [illegible] ly grown during tenancy [illegible] [illegible] by [illegible]

11. When the improvement is not an improvement to which section 9 or 10 applies the compensation to be awarded shall be the cost of the labour, including supervision thereof, and of the materials, together with other expenditure, if any, which would at the time of the valuation be required to make the improvement, less a reasonable deduction on account of the deterioration, if any, which may have taken place from age or other cause

Other [illegible]

Value of improvement to be ascertained in the way most favourable to the tenant.

12. Notwithstanding anything contained in sections 9, 10 and 11, the amount of compensation to be awarded for an improvement shall be ascertained in the way prescribed by any of the said sections which is most favourable to the tenant.

Illustrations.

(*a*) The compensation to be awarded for a jack tree as a fruit-tree is ascertained under section 9 to be Rs. 7, but for the same tree as a timber tree it is ascertained under section 10 to be Rs. 10.

(*b*) The compensation to be awarded for an immature casuarina plantation is ascertained under section 10 to be Rs. 20, but under section 11 to be Rs. 100.

In each case, the Court shall award the higher amount.

Improvement consisting in the protection and maintenance of trees and plants not sown or planted by tenants and of trees and plants spontaneously grown prior to tenancy.

13. When the improvement consists in the protection and maintenance of timber or fruit trees or of other useful trees or plants not sown or planted by any of the persons mentioned in section 5,or of such trees or plants spontaneously grown prior to the commencement of the tenancy, the compensation to be awarded shall be the proper cost of such protection and maintenance ascertained as provided in section 11.

Power to frame tables of maximum and minimum rates of compensation.

14. The Local Government may prepare for the whole or any part of the Malabar District tables showing the maximum and the minimum rates of compensation to be awarded under this Act for all or any class of improvements, and when such tables have been published the amount awarded as compensation under sections 9, 10, 11 and 12 shall not, except where the Court is satisfied that there has been exceptional care, skill or enterprise on the part of the tenant, exceed such maximum rates, nor shall it in any case be less than such minimum rates.

Power to prepare tables of prices of products, the cost of cultivating paddy, planting, protecting and maintaining trees and plants.

15. (*1*) For the purpose of determining the amount of compensation to be awarded under this Act, the Local Government may prepare tables for the whole or any part of the Malabar District showing all or any of the following matters :—

(*a*) the price of cocoanuts, arecanuts, pepper and paddy ;

(*b*) the cost of—

(i) cultivating and harvesting a crop of paddy ;

(ii) planting, protecting and maintaining a cocoanut tree, an arecanut tree, a jack tree, and a pepper vine until the tree or vine is in bearing ;

(iii) protecting and maintaining a cocoanut tree, an arecanut tree, a jack tree and a pepper vine for one year when in bearing.

Such tables to be presumptive evidence that

(*2*) The tables prepared under this section shall on publication be receivable in evidence, and the rates and amounts therein specified shall be presumed to be the proper rates and amounts until the contrary is proved :

Provided that, in so far as such tables prescribe prices of products, the presumption shall not be rebuttable except by proof of the average price as provided in section 16 — the prices and costs therein mentioned are correct

16. In respect of any product for which no table showing the price has been published, and whenever the presumption under section 15 as to price is sought to be rebutted, the Court shall adopt as the money value, for the purpose of awarding compensation under section 9, the average price as nearly as may be ascertainable, in the taluq where the land is situated, for a period of ten years immediately preceding the institution of the suit — Value to be ascertained where no table has been prepared or the correctness of the price mentioned in the table is disputed.

17. The tables prepared under this Act shall be published in English and Malayalam in the Fort St George and Malabar District Gazettes, and shall be kept publicly posted in the Courts having jurisdiction over the area to which the tables apply — Tables to be published

The Local Government may by like publication cancel or vary from time to time the tables so published

18. When trees are planted in excess of the following scale, the Court, if satisfied that, in the circumstances of the particular case, the land is over planted, may, notwithstanding anything hereinbefore contained, either refuse to grant any compensation, or may grant compensation at a lower rate, for so many of the trees as are in excess of the scale and are immature — Compensation may be refused where trees have been over planted.

Coconut trees	120 per acre
Arecanut trees	720 ,,
Jack trees	60

In the case of a mixed garden each tree shall be allowed a proportionate fraction of an acre according to the above scale

19. Nothing in any contract made after the first day of January, 1886, shall take away or limit the right of a tenant to make improvements and to claim compensation for them in accordance with the provisions of this Act — Contracts affecting tenant's right to make improvements and claim compensation under the Act invalid.

Provided that nothing herein contained shall affect any agreement in writing registered made after the effecting of the improvements settling the amount of compensation due therefor at the date of such agreement — Proviso.

20. Nothing in this Act shall be construed as taking away the right of any person who may be entitled by law or custom to claim compensation for any improvements other than those dealt with under the provisions of this Act — Saving clause

Value of improvement to be ascertained in the way most favourable to the tenant.

12. Notwithstanding anything contained in sections 9, 10 and 11, the amount of compensation to be awarded for an improvement shall be ascertained in the way prescribed by any of the said sections which is most favourable to the tenant.

Illustrations.

(*a*) The compensation to be awarded for a jack tree as a fruit-tree is ascertained under section 9 to be Rs. 7, but for the same tree as a timber tree it is ascertained under section 10 to be Rs. 10.

(*b*) The compensation to be awarded for an immature casuarina plantation is ascertained under section 10 to be Rs. 20, but under section 11 to be Rs. 100.

In each case, the Court shall award the higher amount.

Improvement consisting in the protection and maintenance of trees and plants not sown or planted by tenants and of trees and plants spontaneously grown prior to tenancy.

13. When the improvement consists in the protection and maintenance of timber or fruit trees or of other useful trees or plants not sown or planted by any of the persons mentioned in section 5, or of such trees or plants spontaneously grown prior to the commencement of the tenancy, the compensation to be awarded shall be the proper cost of such protection and maintenance ascertained as provided in section 11.

Power to frame tables of maximum and minimum rates of compensation.

14. The Local Government may prepare for the whole or any part of the Malabar District tables showing the maximum and the minimum rates of compensation to be awarded under this Act for all or any class of improvements, and when such tables have been published the amount awarded as compensation under sections 9, 10, 11 and 12 shall not, except where the Court is satisfied that there has been exceptional care, skill or enterprise on the part of the tenant, exceed such maximum rates, nor shall it in any case be less than such minimum rates.

Power to prepare tables of prices of products, the cost of cultivating paddy, planting, protecting and maintaining trees and plants.

15. (*1*) For the purpose of determining the amount of compensation to be awarded under this Act, the Local Government may prepare tables for the whole or any part of the Malabar District showing all or any of the following matters :—

(*a*) the price of cocoanuts, arecanuts, pepper and paddy ;

(*b*) the cost of—

(i) cultivating and harvesting a crop of paddy ;

(ii) planting, protecting and maintaining a cocoanut tree, an arecanut tree, a jack tree, and a pepper vine until the tree or vine is in bearing ;

(iii) protecting and maintaining a cocoanut tree, an arecanut tree, a jack tree and a pepper vine for one year when in bearing.

Such tables to be presumptive evidence that

(*2*) The tables prepared under this section shall on publication be receivable in evidence, and the rates and amounts therein specified shall be presumed to be the proper rates and amounts until the contrary is proved :

Provided that, in so far as such tables prescribe prices of products, the presumption shall not be rebuttable except by proof of the average price as provided in section 16

the prices and costs therein mentioned are correct

16. In respect of any product for which no table showing the price has been published, and whenever the presumption under section 15 as to price is sought to be rebutted, the Court shall adopt as the money value, for the purpose of awarding compensation under section 9, the average price as nearly as may be ascertainable, in the taluq where the land is situated, for a period of ten years immediately preceding the institution of the suit

Value to be ascertained where no table has been prepared or the correctness of the price mentioned in the table is disputed

17. The tables prepared under this Act shall be published in English and Malayalam in the Fort St George and Malabar District Gazettes, and shall be kept publicly posted in the Courts having jurisdiction over the area to which the tables apply

Tables to be published

The Local Government may by like publication cancel or vary from time to time the tables so published

18. When trees are planted in excess of the following scale, the Court, if satisfied that in the circumstances of the particular case, the land is over planted, may, notwithstanding anything hereinbefore contained, either refuse to grant any compensation, or may grant compensation at a lower rate, for so many of the trees as are in excess of the scale and are immature —

Compensation may be refused where trees have been over planted

Cocoanut trees	120 per acre
Arecanut trees	700 ,,
Jack trees	60 ,,

In the case of a mixed garden each tree shall be allowed a proportionate fraction of an acre according to the above scale

19. Nothing in any contract made after the first day of January, 1886, shall take away or limit the right of a tenant to make improvements and to claim compensation for them in accordance with the provisions of this Act

Contracts affecting tenant's right to make improvements and claim compensation under the Act invalid.

Provided that nothing herein contained shall affect any agreement in writing registered made after the effecting of the improvements settling the amount of compensation due therefor at the date of such agreement

Proviso.

20. Nothing in this Act shall be construed as taking away the right of any person who may be entitled by law or custom to claim compensation for any improvements other than those dealt with under the provisions of this Act

Saving clause.

MADRAS ACT No. II OF 1900.

[THE MADRAS COFFEE-STEALING PREVENTION ACT, AMENDMENT ACT, 1900.]

[*16th March, 1900 ; 28th April, 1900.*]

An Act to amend the Madras Coffee-stealing Prevention Act, 1878.

Preamble. WHEREAS it is expedient to amend the Madras Coffee-stealing Prevention Act, 1878 (hereinafter referred to as the said Act) ; It is hereby enacted as follows :— Mad VII

Title. **1.** This Act may be called the Madras Coffee-stealing Prevention Act Amendment Act, 1900.

Interpretation-clause. **2.** In this Act, unless there be something repugnant in the subject or context, the expressions "coffee estate" and "coffee" shall respectively have the same meaning as in the said Act.

Insertion of a new section after section 5. **3.** After section 5 of the said Act the following section shall be inserted :—

[5A. *Vide supra*, p. 385.]

Amendment of section 6. **4.** In section 6 of the said Act, between the words "required" and "by" insert the words "to be kept," and in the same section, for the word and figure "section 5" substitute the words and figures "sections 5 and 5A" and omit the words "to be kept by persons purchasing coffee."

Amendment of section 8. **5.** In section 8 of the said Act, after the figure "5" the figure and letter "5A" shall be inserted.

Amendment of section 9. **6.** In section 9 of the said Act, after the words "green gathered" the words "parchment or cherry dried" shall be inserted.

Amendment of section 13. **7.** In section 13 of the said Act omit the words "or add" between the words "substitute" and "corporal" and the words "or to" between the words "for" and "the"; and in the proviso to the same section omit the words "or additional" between the words "substituted" and "punishment."

Amendment of section 14. **8.** In the proviso to section 14 of the said Act, between the word "may" and the word "grant" insert the words "for reasons to be recorded in writing."

Insertion of three new sections after section 14. **9.** After section 14 of the said Act the following sections shall be added, namely :—

[*Vide supra*, pp. 387-388.]

---

[1]For Statement of Objects and Reasons, *see* Fort St. George Gazette, Supplement, dated 26th September, 1899, p. 2 ; for Report of the Select Committee, *see ibid*, dated 28th September, 1899, p. 1 ; for Proceedings in Council, *see ibid*, dated 12th December, 1899, p. 42 ; and *ibid*. dated 20th March, 1900, p. 72.

The Governor General's assent to this Act was published in the Fort St. George Gazette, dated 15th May, 1900.

MADRAS ACT No IV OF 1900[1]

[*1st May, 1900, 26th May 1900*]

An Act to amend the Madras Proprietary Estates' Village service Act, 1894, and the Madras Survey and Boundaries Act, 1897.

II WHEREAS it is expedient to amend the Madras Proprietary Estates' Village- Preamble
IV service Act, 1894, and the Madras Survey and Boundaries Act, 1897, It is hereby enacted as follows —

II **1.** [*Amendment of the definition of "proprietor" in section 1 of Madras Act II of 1894*] *Virtually repealed by Mad Act IV of 1911, s 2*

2. [*Amendment of the definition of "proprietor" in section 3 of Madras Act IV of 1897*] *Virtually repealed by Mad Act IV of 1911 s, 2*

And after sub section (iv) of section 3 of the said Act there shall be inserted and be deemed to have been inserted at the time when the said Act came into force the following, namely — Amendment of the definition of "registered holder in section 3 of Madras Act IV of 1897

[*Vide supra*, p 801]

t IV **3.** In section 10 of the Madras Survey and Boundaries Act, 1897, *for* the word "him" between the words "from" and "in" *substitute* the words "the land", and in section 14 of the same Act, *for* the words "registered holder" between the words "the" and "as" *substitute* the word "land" Amendment of sections 10 and 14 of Madras Act IV of 1897.

4. In section 19 of the said Act, omit the words "the proprietor of" occurring between the words "from" and "the estate" Amendment of section 19 of Madras Act IV of 1897

MADRAS ACT No V OF 1900[2]

[THE MADRAS IRRIGATION CESS (AMENDMENT) ACT, 1900]

[*10th May, 1900, 10th August, 1900*]

An Act to amend Madras Act VII of 1865

WHEREAS it is expedient to amend Madras Act VII of 1865, It is hereby enacted as follows — Preamble.

1. Sections 1 and 4 of Madras Act, VII of 1865 hereinafter referred to as the said Act shall be read and construed as if at the time of the passing of New sections substituted

---

[1] Short title The Madras Proprietary Estates and Survey (Amendment) Act, 1900 '—*see ibid* dated 29th May 1900 p 171
The Governor General s assent to this Act was first published in the Fort St. George Gazette of 4th September 1900

[2] Short title The Madras Irrigation Cess (Amendment) Act, 1900"—*see* the Repealing and ... 8th ... 1, ... 899, p 10 *ibid* June 12th 1900 p 176

for sections 1 and 4. the said Act there were and had been inserted in lieu of the said sections the following, *viz.*—

[*Vide supra*, p. 361.]

Limitation on the retrospective effect of section 1.

2. No water cess which would not have been leviable if this Act had not been passed shall be hereafter levied for any period prior to the 1st July, 1899.

New rules, etc., under section 1 to be made after previous publication.

3. All rules that may hereafter be prescribed by Government under section 1 of the said Act and any alterations or amendments that may hereafter be made in the rules made under that section which are now in force shall be made after previous publication.

MADRAS ACT No. VI OF 1900.[1]

[THE MADRAS LOCAL BOARDS ACT, AMENDMENT ACT, 1900.]

[*13th June, 1900 ; 11th October, 1900.*]

An Act further to amend Madras Act V of 1884 (The Madras Local Boards Act, 1884).

Preamble.

WHEREAS it is expedient further to amend the Madras Local Boards Act, V of 1884 ; It is hereby enacted as follows :—

Title and commencement.

1. This Act may be called the Madras Local Boards Act Amendment Act, 1900 ; and it shall come into force on such date[2] as the Governor in Council may, by notification, direct.

Sections declared amended to be those of Madras Act V of 1884.

2. Unless there is something repugnant in the subject or context, the sections declared to be amended by this Act are those of the Madras Local Boards Act, V of 1884.[3]

Amendment of section 2.

3. In section 2, sub-section (*1*),—

(*a*) the figures "1884" shall be substituted for the figures "1878":

(*b*) the words "or in any scheduled district, as defined under the Scheduled Districts Act, 1874, or other law in force for the time being", shall be omitted. XIV of

[1] Printed *supra*.

[2] For Statement of Objects and Reasons *see* Fort St. George Gazette, Supplement, dated 5th December, 1899, p. 1 ; for Report of the Select Committee, *see ibid*, dated 6th March 1900, p. 35 ; for Proceedings in Council, *see ibid*, dated 29th January, 1900, p. 107 ; 20th March, p. 100, 29th May, p. 88.

The Governor General's assent to this Act was first published in the Fort St. George Gazette, dated 4th September, 1900.

[3] The Act came into force from 1st April, 1901—*see* Notification No. 982, dated 11th December 1900 -Fort St. George Gazette, 1900, Pt. IA, p. 368.

4. For the words "official year" wherever they occur shall be substituted the words "financial year" Substitution of 'official year" for 'financial year" throughout the Act

5. For section 3 shall be substituted the following section:— New section substituted for section 3

[*Vide supra*, p 556]

6. In section 5, the words "by an order in writing published, together with a statement of his reasons for making the same" shall be inserted between "may" and "in like manner", and at the end of the section shall be added the words— Amendment of section 5

[*Vide supra*, p 560]

7. In sub-section (*1*) of section 6, the words "any village or villages or any portion or portions thereof" shall be substituted for the words "any village or group of villages," and the words "by an order in writing published, together with a statement of his reasons for making the same" shall be inserted between the word "may" and the words "at any time" Amendment of section 6

8. In section 8, after the word "persons" the following shall be inserted — Addition of a proviso to section 8

[*Vide supra*, p 561]

9. (*a*) In sub-section (*1*) of section 9, the words "member and" shall be inserted between the words "be" and "president" Amendment of secton 9

(*b*) In sub section (2) of the same section, after the word "Council" where it first occurs, the words "to appoint one of the members of any district board to be the president of such board or" shall be inserted, and the following shall be added at the end of the sub section, *viz* —

[*Vide supra*, p 561]

10. In section 12, the words "by name or in virtue of his office" shall be inserted between the word "appointed" and the words "to be a member" Amendment of section 12

11. In section 15,—

(*a*) in sub section (*1*), the words "member and" shall be inserted after the words "*ex officio* be," and after that sub section the following sub section shall be inserted and the present sub section (2) shall be read as sub section (3) — Amendment of section 15

[*Vide supra*, p 562]

(*b*) in sub section (*3*) as now re-numbered, after the word "Council" where it first occurs, the following words shall be inserted "to appoint one of the members of any taluk board to be the president of such board or", and the following shall be added at the end:

[*Vide supra*, p 562]

(c) the following sub-section shall be inserted after sub-section (3) as now re-numbered :—

[Vide supra, p. 562.]

Amendment of section 16.

12. In the first line of section 16, the word "other" shall be inserted between the word "the" and the word "members."

Amendment of section 17.

13. In section 17, the words "by name or in virtue of his office" shall be inserted between the word "appointed" and the words "to be a member."

Amendment of section 19.

14. (a) To the proviso to section 19 shall be added the words :—

[Vide supra, p. 563.]

Amendment of section 20.

(b) In section 20, for the word "each" the word "any" shall be substituted.

Amendment of section 21.

15. In sub-section (1) of section 21, for the words "by election" the words "or elected" shall be substituted.

Amendment of section 22.

16. In section 22,—

(a) for the first clause of sub-section (1), the following clause shall be substituted :—

[Vide supra, p. 564.]

(b) in the proviso to sub-section (1), for the word "appointed" shall be substituted the word "elected";

Term of office of members.

(c) for sub-section (2) shall be substituted the following sub-section :—

[Vide supra, p. 564.]

Substitution of a new sub-section for sub-section (2) of section 3.

17. In section 23, the following shall be substituted for sub-section (2) :—

[Vide supra, p. 564.

endment of section 24.

18. In section 24,—

(a) in sub-section (1), for the words "at any time remove any president, vice-president or member of a local board," shall be substituted the words "by notification, remove any president, vice-president or member of a local board other than an *ex-officio* president or member";

(b) in clause (i) of sub-section (1), before the word "refuses" shall be inserted the words "is absent for more than three months from the local area over which such board has authority or";

(c) in clause (iii) of the same sub-section, after the words "public peace or order" shall be added the words "or likely to bring the administration of the local board into contempt";

(d) to the same sub-section there shall be added as clause (iv) the following, namely :—

[Vide supra, p. 565.]

(e) sub-section (2) shall be re-numbered as sub-section (3) and the following inserted as sub-section (2) —

[*Vide supra*, p 565]

19. In section 25, in sub section (*1*), after the words "otherwise directs," shall be inserted the words "in the exercise of the powers vested in him under this Act" Amendment of section 25

20. For section 26 of the Act the following shall be substituted — Substitution of a new section for section 26

[*Vide supra*, p 565]

21. After section 27, the following section shall be inserted :— Insertion of a new section after section 27

[27A. *Vide supra* p 566]

22. In section 28, the word "it" shall be substituted for the word "they" Amendment of section 28

23. In section 29, sub-section (*1*), for the words "members of any local board" the words "members then on any local board" shall be substituted Amendment of section 29

24. After section 29 the following shall be inserted as section 29A — Insertion of a new section after section 29

[29A *Vide supra*, p 566]

25. In section 31,— Amendment of section 31

(*a*) in sub section (*1*), after the words "number of members" there shall be inserted the words "then on the board not being less than three", and at the end of the sub section shall be added the following clause, namely —

[*Vide supra*, p 567]

(*b*) the following shall be inserted as sub section (*3*) the present subsection (3) being numbered as sub-section (*4*) —

[*Vide supra*, p 567]

(*c*) in sub-section (*4*), the words "then on such board" shall be substituted for the words "of such board" in the last line

26. In section 32 — Amendment of section 32

(*a*) in sub section (*1*), for the word "the" before the words "local board' where they first occur, the word "a" shall be substituted, and to sub-section (*2*) the following *proviso* shall be added :—

[*Vide supra*, p 567]

(*b*) the following shall be inserted as *sub-section* (*3*) —

[*Vide supra*, p 567]

27. In section 33,— Amendment of section 33

(*a*) in sub-section (*1*), for the word "the" before the words "local board" the word "a" shall be substituted, and the words "at a meeting" in sub section (2) shall be omitted

(*b*) for sub-section (*3*) the following shall be substituted, namely :—

[*Vide supra*, p. 568.]

Insertion of a new section after section 33.

28. After section 33 the following section shall be inserted, namely :—

[33A. *Vide supra*, p. 568.]

Amendment of section 34.

29. In section 34,—

(*a*) the words "at a meeting" shall be omitted; the word "its" shall be substituted for the word "their" in clause (*i*), the present clause (vii) numbered as (viii), and the following inserted as clause (vii) :—

[*Vide supra*, p. 569.]

(*b*) insert as sub-section (*2*) the following :—

[*Vide supra*, p. 569.]

Amendment of section 36.

30. In section 35,—

(*a*) in sub-section (*1*), after the words "president of a local board" shall be inserted the words "or chairman of a pancháyat"; after the words "such local board" shall be inserted the words "or pancháyat"; and after the word "president" wherever it subsequently occurs shall be inserted the words "or chairman";

(*b*) in the same sub-section, the words "after obtaining and considering the explanation of the president or chairman" shall be inserted between the words "the Collector" and the words "may by notice";

(*c*) in sub-section (*2*), after the words "local board" shall be inserted the words "or pancháyat".

Amendment of section 36.

31. In section 36, the word "its" shall be substituted for the word "their" in clauses (*c*) and (*d*) of sub-section (*1*), the following shall be inserted as sub-section (*2*) and the present sub-section (*2*) re-numbered as sub-section (*3*) :—

[*Vide supra*, p. 570.]

Amendment of section 37.

32. In section 37,—

(*a*) in sub-section (*1*), for the words "or order of a local board" there shall be substituted the words "of any local board, or of any order issued by any local board or president"; after the words "cancel such resolution or order" shall be inserted the words "or suspend or cancel any license granted by any local board or president"; before the words "such resolution, order or act" shall be inserted the words "such resolution has not been legally carried, or"; after the same words, the words "or the issue of such license"; and after the words "the doing of such act" shall be inserted the words "or the continuance in force of such license";

(*b*) in sub section (*3*), before the words "rescind the order, or" there shall be inserted the word "thereupon," and after the same words the words "after giving the local board a reasonable opportunity of explanation"

33. In section 38,— *Amendment of section 38*

(*a*) in sub section (*1*), the words "or the president" shall be inserted before the words "is empowered",

(*b*) in sub section (*2*), the words "or all" shall be omitted, and the words "except charges for the service of authorized loans" shall be inserted after the words "against such fund", and

(*c*) the following shall be substituted for sub section (*3*) —

[*Vide supra*, p 571]

34. In section 40,— Amendment of section 40

(*a*) in sub section (*1*), the words "a local board or a president" shall be substituted for the words "any local board" and the words "on it" shall be omitted, and

(*b*) in sub section (*3*), the word "in" after the word "person" and the words "or all" before the words "other charges" shall be omitted, and the words "except charges for the service of authorized loans" shall be added after the words "against such fund"

35. In section 41, the words "at a meeting" shall be omitted, and the word "its" substituted for the word "their" wherever it occurs and the word "it" for the word "they" Amendment of section 41

36. In section 42,— Amendment of section 42

(*a*) in sub sections (*1*) and (*4*), the word "its" shall be substituted for the word "their", and in sub section (*2*) the words "or for any public or private body" shall be inserted after the word "Government", and the words "or the public or private body concerned, as the case may be," shall be inserted before the words "shall contribute", and in sub sections (*3*) and (*4*), for the word "the" before the words "local board" where they first occur the word "a" shall be substituted,

(*b*) in sub section (*4*), the words "or unless some other Government servant has been deputed to replace the one withdrawn" shall be added at the end, and

(*c*) the following sub section shall be inserted after sub section (*4*) —

[*Vide supra*, p 572]

37. For section 44 shall be substituted the following section — Substitution of a new section for section 44

[*Vide supra*, p 573]

(*b*) for sub-section (*3*) the following shall be substituted, namely :—

[*Vide supra*, p. 568.]

Insertion of a new section after section 33.

28. After section 33 the following section shall be inserted, namely :—

[33A. *Vide supra*, p. 568.]

Amendment of section 34.

29. In section 34,—

(*a*) the words "at a meeting" shall be omitted; the word "its" shall be substituted for the word "their" in clause (i), the present clause (vii) numbered as (viii), and the following inserted as clause (vii) :—

[*Vide supra*, p. 569.]

(*b*) insert as sub-section (*2*) the following :—

[*Vide supra*, p. 569.]

Amendment of section 36.

30. In section 35,—

(*a*) in sub-section (*1*), after the words "president of a local board" shall be inserted the words "or chairman of a pancháyat"; after the words "such local board" shall be inserted the words "or pancháyat"; and after the word "president" wherever it subsequently occurs shall be inserted the words "or chairman";

(*b*) in the same sub-section, the words "after obtaining and considering the explanation of the president or chairman" shall be inserted between the words "the Collector" and the words "may by notice";

(*c*) in sub-section (*2*), after the words "local board" shall be inserted the words "or pancháyat".

Amendment of section 36.

31. In section 36, the word "its" shall be substituted for the word "their" in clauses (*c*) and (*d*) of sub-section (*1*), the following shall be inserted as sub-section (*2*) and the present sub-section (*2*) re-numbered as sub-section (*3*) :—

[*Vide supra*, p. 570.]

Amendment of section 37.

32. In section 37,—

(*a*) in sub-section (*1*), for the words "or order of a local board" there shall be substituted the words "of any local board, or of any order issued by any local board or president"; after the words "cancel such resolution or order" shall be inserted the words "or suspend or cancel any license granted by any local board or president"; before the words "such resolution, order or act" shall be inserted the words "such resolution has not been legally carried, or"; after the same words, the words "or the issue of such license"; and after the words "the doing of such act" shall be inserted the words "or the continuance in force of such license";

(b) in sub section (3), before the words "rescind the order, or" there shall be inserted the word "thereupon," and after the same words the words "after giving the local board a reasonable opportunity of explanation"

33. In section 38,— Amendment of section 38.

(a) in sub section (1), the words "or the president" shall be inserted before the words "is empowered",

(b) in sub section (2), the words "or all" shall be omitted, and the words "except charges for the service of authorized loans" shall be inserted after the words "against such fund", and

(c) the following shall be substituted for sub-section (3) —

[*Vide supra*, p 571]

34. In section 40,— Amendment of section 40

(a) in sub-section (1), the words "a local board or a president" shall be substituted for the words "any local board" and the words "on it" shall be omitted, and

(b) in sub-section (3), the word "in" after the word "person" and the words "or all" before the words "other charges" shall be omitted, and the words "except charges for the service of authorized loans" shall be added after the words "against such fund"

35. In section 41, the words "at a meeting" shall be omitted, and the word "its" substituted for the word "their" wherever it occurs and the word "it" for the word "they" Amendment of section 41

36. In section 42,— Amendment of section 42.

(a) in sub-sections (1) and (4), the word "its" shall be substituted for the word "their", and in sub-section (2) the words "or for any public or private body" shall be inserted after the word "Government", and the words "or the public or private body concerned, as the case may be," shall be inserted before the words "shall contribute", and in sub-sections (3) and (4), for the word "the" before the words "local board" where they first occur the word "a" shall be substituted,

(b) in sub-section (4), the words "or unless some other Government servant has been deputed to replace the one withdrawn" shall be added at the end, and

(c) the following sub-section shall be inserted after sub-section (4) —

[*Vide supra*, p 572]

37. For section 44 shall be substituted the following section — Substitution of a new section for section 44

[*Vide supra* p 573]

Amendment of section 46.

38. In section 46,—

(a) in sub-section (1), the words "at a meeting" shall be omitted, and in sub-sections (1) and (2), the words "and pancháyats" shall be inserted after the words "local boards"; and

(b) in sub-section (1) the following words shall be inserted at the end of clause (v):—

[Vide supra, p. 573.]

and the following proviso shall be inserted after clause (viii):—

[Vide supra, p. 574.]

Repeal of section 48.

39. Section 48 is hereby repealed.

Amendment of section 49.

40. In section 49, the words "or streets" and "or street" wherever they occur shall be omitted; the words "existing at the time this Act comes into force, or which shall afterwards be made" shall be omitted: and for the proviso shall be substituted the following clause:—

[Vide supra, p. 574.]

Amendment of section 50.

41. In section 50,—

(a) for the word "streets" in sub-section (1), the words "public roads" shall be substituted, and the words "and belong to" after the words "vest in" omitted;

(b) in sub-section (2), the words "and belong to" after the words "vest in" shall be omitted and the words "local board or pancháyat at whose cost they are collected" shall be substituted for the words "district board";

(c) in sub-section (3), for the words "and culvert" the words "or culvert" shall be substituted.

[Amen]dment [of se]ction 51.

42. In sub-section (1) of section 51, the word "Madras" shall be inserted before the word "Regulation" and in sub-section (2) of the same section, the word "concerned" shall be substituted for the words "within whose jurisdiction such endowment is situated".

Amendment of section 52.

43. In clause (1) of section 52, the words "any taluk board in the same district" shall be substituted for the words "the taluk board of the taluk wherein such property is situated".

Amendment of section 53.

44. In section 53, the words "or street" shall be omitted wherever they occur, and the word "its" substituted for the word "their."

Amendment of section 54.

45. In section 54,—

(a) from sub-section (1), clause (i) shall be omitted, and the clauses (ii) to (vi) shall be numbered as (i) to (v);

(b) in clause (ii) as so re-numbered, for the word "their" the word "its," shall be substituted; and

(c) the following proviso shall be added at the end of sub section (2) —

[*Vide supra*, p 576]

46. In section 56,— Amendment of section 56

(a) in clause (ii) of sub section (1) for the word "their" the word "its" shall be substituted,

(b) the following proviso shall be added at the end of sub section (2) —

[*Vide supra*, p 577]

47. In section 57,— Amendment of section 57

(a) the following shall be inserted as clause (ii) and the present clauses (iii), (iv) and (v) re numbered as clauses (iii), (iv) (v) and (vii), respectively —

[*Vide supra*, pp 577-578]

(b) in clause (iv) as so re-numbered, the words "under any of the classes and at rates not exceeding those" shall be substituted for the words 'not exceeding the rates", the words 'or upon foot-passengers going over such bridges and at such rates as the Governor in Council on the request of the district board may by notification approve" shall be inserted after the words "Schedule B", and the words "clause (1) of section 95" shall be substituted for the words "clause I, section 95",

(c) in clause (v) as so re-numbered, the word "roads" shall be substituted for the word "streets", and the words "approved by the Governor in Council" shall be inserted after the word "rate",

(d) the following shall be inserted as clause (vi) —

[*Vide supra*, p 577]

(e) in clause (vii) as so re-numbered, the words "use of cart stands, *markets and slaughter houses constructed or maintained from the* local fund and fees for the temporary occupation of choultries travellers' rest houses," shall be substituted for the words "temporary use of cart stands and of markets", the words "on the occasion of fairs and festivals" shall be omitted, the word "roads" inserted after the word "village-sites" and the words "or parts thereof" after the words "public places," and the words "with the approval of the Governor in Council" shall be added at the end of the clause

48. From section 58, the words "at a meeting" shall be omitted and the following proviso inserted at the end of the section — Amendment of section 58

[*Vide supra* p 578]

49. In section 59, after the words "mentioned in" the words "clause (i) and clauses (iii) to (vii) of" shall be inserted, and for the word "fail" shall be substituted the word "fails" Amendment of section 59.

Amendment of section 60. **50.** The proviso at the end of section 60 shall be omitted.

Amendment of section 61. **51.** In section 61 the words "at a meeting" shall be omitted, the words "with the approval of the Governor in Council" shall be inserted after the word "determine", the word "it" substituted for the word "they", and the figures (v), (vi) and (vii) for the figures (iv) and (v), respectively.

Amendment of section 62. **52.** In section 62, sub-section (*1*), the words "with the approval of the Governor in Council" shall be inserted after the word "determined", and the word "it" substituted for the word "they".

Amendment of section 63. **53.** In section 63, the words "in whole or in part" shall be inserted after the word "exempt", the words "carriages, carts or animals" shall be inserted after the word "persons", and the word "*tolls*" *shall be inserted after the* word "taxes."

Amendment of section 64. **54.** In section 64,—

(*a*) the word "notifies" shall be substituted for the word "notify" in the first line;

(*b*) in clause (iii), the words "or intermediate landholder holding on an under-tenure created, continued or recognized by a landholder, as the case may be," shall be inserted after the word "landholder" where it first occurs.

Amendment of section 65. **55.** In section 65, the word "landholder" shall be substituted for the words "holder of land" where these words first occur.

Amendment of section 69. **56.** In section 69, the word "Madras" shall be inserted before the word "Regulation."

Amendment of section 73. **57.** (*a*) In section 73, before the words "Provided that" insert the following:—

[*Vide supra*, p. 582.]

(*b*) In the same section, after the word "Provided" the word "also" shall be inserted.

(*c*) In the same section, after the word "landholder," where it secondly occurs, the words "or the intermediate landholder, as the case may be," shall be inserted.

(*d*) To the same section the following illustration shall be added:—

[*Vide supra*, p. 582.]

Amendment of section 74. **58.** In section 74, after the word "landholder," where it first occurs, the words "or intermediate landholder, as the case may be," shall be inserted.

In the same section, the word "provisos" shall be substituted for the word "proviso."

Amendment of section 75. **59.** In section 75, before the word "proviso" the word "second" shall be inserted.

Amendment of section 76. **60.** In section 76, the word "Madras" shall be inserted before the words and figures "Act II of 1864."

61. In section 77,— Amendment of section 77

(*a*) in sub-section (*1*), for the word "notify" shall be substituted the word "notifies", and

(*b*) in sub section (*2*), the word "and" shall be substituted for the word "or" between the words "owners" and "occupiers"

62. In section 78 — Amendment of section 78

(*a*) in sub section (*1*) the words "names of the owner and of the occupier" shall be substituted for the words "name of the owner and occupier", and

(*b*) for sub section (*2*) the following shall be substituted —

[*Vide supra*, p 583]

63. In section 79, insert the following as sub-section (*3*) — Addition of sub section to section 79

[*Vide supra* p 584]

64. After section 79 the following section shall be inserted — Insertion of new section after section 79

[79A. *Vide supra*, p 584]

65. In section 80,— Amendment of section 80

(*a*) in sub-section (*1*), the word "half year" shall be substituted for the word "year",

(*b*) the following shall be inserted at the beginning of sub section (*2*) after the figure (*2*) —

[*Vide supra* p 584]

66. After section 80, the following section shall be inserted — Insertion of new section after section 80

[80A *Vide supra*, p 584]

67. In section 81 — Amendment of section 81

(*a*) in sub-section (*1*), the words "all of them" shall be substituted for the word "both",

(*b*) in sub-sections (*1*) and (*2*), the words "or owner's agent" shall be inserted after the word "owner",

(*c*) in sub-section (*2*), the words "upon him" shall be inserted after the word "demand", the words "to the satisfaction of the Chairman" shall be inserted between the words "show cause" and "why", and for the clause beginning with the words "by distress" and ending with the word "union" shall be substituted the following words and clauses —

[*Vide supra* p 585]

(*d*) After sub-section (*2*) the following shall be inserted as sub-section (*3*) —

[*Vide supra* p 585]

Insertion of a new section after section 81.

68. After section 81 the following shall be inserted as section 81A :—

[81A. *Vide supra*, p. 585.]

Amendment of section 82.

69. In section 82, substitute the word "distrained" for the word "seized", and the word "distraint" for the word "seizure".

Amendment of section 84.

70. In section 84, sub-section (*1*), there shall be added at the end the words "provided that a fresh general assessment shall be made not less than once in four years".

Amendment of section 85.

71. In section 85,—

(*a*) in sub-section (*1*), for the words "they deem" shall be substituted the words "it deems", the word "its" for the word "their", and the word "which" for the word "who";

(*b*) in sub-section (*1*) and in clause (ii) of sub-section (*2*), the words "or president of the taluk board" shall be inserted after the words "chairman of the pancháyat";

(*c*) in clause (ii) of sub-section (*2*), the word "directs" shall be substituted for the word "direct".

Amendment of section 86.

72. In section 86, for the words "exempt from payment of the tax on the ground of poverty" shall be substituted the words "on the ground of poverty, exempt from payment of the whole or any portion of the tax"; and at the end of the section shall be added the words "it may in like manner, with the approval of the Governor in Council, exempt any classes of houses."

Amendment of section 87.

73. In section 87,—

(*a*) in sub-section (*1*), the word "notifies" shall be substituted for the word "notify" and the words "or, with the sanction of Government and for reasons connected with its construction and maintenance which shall be recorded, upon foot-passengers going over a bridge," shall be inserted after the words "along any road";

(*b*) for sub-section (*3*), the following sub-section shall be substituted :—

[*Vide supra*, p. 587.]

(*c*) the following shall be inserted as sub-section (*4*) :—

[*Vide supra*, p. 587.]

Amendment of section 89.

74. In sub-section (*1*) of section 89, the word "it" shall be substituted for the word "them".

Amendment of section 90.

75. In section 90,—

(*a*) in sub-section (*1*), the words "animal or foot-passengers" shall be substituted for the words "or animal"; and

(*b*) at the end of sub-section (*3*), the words "or in the case of a foot-passenger may prevent his passage" shall be inserted;

(*c*) for clause (*5*) the following shall be substituted :—

[*Vide supra*, p. 588.]

76. In section 92, the words "within a quarter of a mile of it" shall be substituted for the words "adjoining thereto" Amendment of section 92.

77. In section 93,— Amendment of section 93

(a) in sub-section (1), the word "proclaims" shall be substituted for the word "proclaim" and the figures (v) (vi) and (vii) for the figures (iv) and (v), respectively, and the word "slaughter houses" shall be inserted after the word "cart-stands",

(b) in sub section (3), the words and figures "clauses (v), (vi) and (vii)" shall be substituted for the word and figure "clause (iv)"

78. The following shall be inserted as section 93A — Insertion of a new section after section 93

[93A. *Vide supra,* p 590]

79. In section 94,— Amendment of section 94

(a) the words "to the provisions of section 271 of the Code of Civil Procedure and" shall be inserted between the word 'subject" and the words ' to the conditions",

(b) in clause (a) of exception (i), the words "and bedding" shall be inserted between the word "apparel" and the words "of the defaulter",

(c) in clause (c) of exception (i), the words "and seed grain" shall be inserted between the word "cattle" and the words "as may", and the word "local" shall be substituted for the word 'taluk",

(d) in exception (ii), the words "on account of the tax, toll or fee and distraint fee and the probable expenses incidental to the detention and sale of the said property" shall be inserted at the end of the clause,

(e) in exception (iv), the word "local" shall be substituted for "district"

80. The following shall be inserted as section 94A — Insertion of a new section after section 94

[94A *Vide supra,* p 591]

81. In section 95,— Amendment of section 95

(a) the word "its" shall be substituted for the word ' their", and the word "roads" for the word "streets" wherever those words occur the words "for the following matters" shall be omitted, and after the words "their authority" shall be inserted the words "or with the special sanction in each case of the Governor in Council without the said areas, for the following purposes —",

(b) in clause (iii), the word "maintenance" shall be inserted between the word ' construction" and the words "and repair"; the words "slaughter-houses, cart-stands" after the word "markets", the word "latrines" after the word "sewers", the words

"drains, sewers, latrines" shall be inserted after the words "cleansing of the streets";

(*c*) the following shall be inserted as clause (viii) and the present clause (viii) shall be numbered as clause (ix) :—

[*Vide supra,* p. 592.]

(*d*) in clause (ix) as renumbered, the words "or specially sanctioned by the local board with the approval of the Governor in Council" shall be inserted after the word "Act," and the words "and the payment of refunds sanctioned by the local board" after the word "section".

Repeal of section 96.

82. Section 96 is hereby repealed.

Amendment of section 98.

83. In section 98,—

(*a*) for the words "taluk board" wherever they occur the words "local board concerned" shall be substituted;

(*b*) in sub-section (*1*), the words "whether permanent or temporary" shall be inserted after the word "encroachment"; the words "or made" shall be inserted after the word "erected"; the word "road" shall be substituted for the word "street" wherever it occurs;

(*c*) for the proviso to sub-section (*2*) the following shall be substituted :—

[*Vide supra,* p. 592.]

Insertion of new sections after section 98.

84. The following sections shall be inserted after section 98, namely :—

[98A-D. *Vide supra,* p. 593.]

Amendment of section 99.

85. In section 99, the words "to provide parapet walls for the same and also to protect any such well from pollution by surface drainage in such manner as he may think fit" shall be inserted after the words "in good repair" and the following proviso shall be added at the end :—

[*Vide supra,* p. 594.]

Substitution of a new section for section 100.

86. The following section shall be substituted for section 100, namely :—

[*Vide supra,* p. 594.]

Insertion of new sections after section 100.

87. The following sections shall be inserted after section 100, namely :—

[100A-L. *Vide supra,* pp. 594-598.]

Amendment of section 101.

88. In section 101—

(*a*) in sub-section (*1*), the word "the" shall be inserted between the words "opinion of" and "taluk board" and the words "within the time specified in the notice" between the words "land" and the words "the president;"

(b) sub-sections (2) and (3) shall be omitted and the following shall be inserted as section 101A — Omission of sub-sections (2) and (3) of section 101 and the insertion of a new section after that section.

[*Vide supra*, p 598]

89. In section 104, the following shall be inserted at the end of the section, namely — Addition to section 104

[*Vide supra*, p 598]

90. In section 106, sub section (1), the words "or any portion of a district" shall be inserted after the words "any district", and in sub section (2), the words "in the said area" shall be substituted for the words "in the district" Amendment of section 106

91. In section 107, the words "more than" shall be omitted, and the word "area" shall be substituted for the word "district", and the following shall be inserted as sub section (2) — Amendment of section 107

[*Vide supra*, p 599]

92. In section 112 — Substitution of a new sub section for sub section (1) of section 112

(a) the following sub section shall be substituted for sub section (1), namely —

[*Vide supra*, p 600]

(b) in sub section (2), for the words "make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order" shall be substituted the words "sentence such parent or guardian to pay a fine not exceeding rupees twenty," Amendment of sub-section (2) of section 112.

(c) for sub section (3) shall be substituted the following sub sections, namely — Substitution of two new sub-sections for sub-section (3) of the same section.

[*Vide supra*, p 601]

93. Section 113 is hereby repealed Repeal of section 113

94. The following shall be inserted as section 115A — Insertion of a new section after section 115

[*Vide supra* p 601]

95. For section 116 the following section shall be substituted, namely — Substitution of a new section for section 116.

[*Vide supra*, p 602]

96. In section 117, sub-section (1), the words "sewage or other rubbish" shall be added after the word "night-soil" Amendment of section 117

97. The following sections shall be inserted after section 117, namely — Insertion of a new section after section 117

[117A Q *Vide supra*, pp 602 606]

98. For section 118 the following section shall be substituted, namely — Substitution of a new section for section 118.

[*Vide supra*, p 607.]

Amendment of section 120.

99. In section 120, sub-sections (*1*) and (*2*), the words "or portion o such village" shall be inserted after, and the word "revenue" before, th word "village" wherever it occurs.

Addition of a proviso to section 122.

100. To section 122 the following proviso shall be added :—

[*Vide supra*, p. 608.]

Amendment of section 124.

101. In section 124,—

(*a*) in sub-section (*1*), the words "or on the . . . . appointed" at the end of the sub-section shall be omitted, and the following proviso inserted :—

[*Vide supra*, p. 608.]

(*b*) in sub-section (*2*) the words "or chairman" shall be inserted between the words "member" and "of".

Addition of a new sub-section to section 125.

102. In section 125 the following shall be inserted as sub-section (*2*) :—

[*Vide supra*, p. 608.]

Amendment of section 126.

103. In section 126,—

(*a*) in sub-section (*1*), for the words "the Governor in Council . . . panchāyat" the following shall be substituted :—

[*Vide supra*, p. 609.]

(*b*) in clause (i) of the same sub-section, after the words "if he" shall be inserted the words "is absent for more than four months from the local area over which such panchāyat has authority or";

(*c*) in clause (iii) of the same sub-section, after the words "peace or order" shall be inserted the words "or likely to bring the administration of the panchāyat into contempt".

(*d*) in sub-section (*2*), for the words "any person" shall be substituted the words "such chairman or member".

Insertion of a new section after section 127.

104. After section 127 the following section shall be inserted, namely :—

[127A. *Vide supra*, p. 609.]

Addition of a proviso to section 128.

105. At the end of section 128, the following proviso shall be added, namely :—

[*Vide supra*, p. 609.]

Amendmen of section 130.

106. In section 130, sub-section (*3*), the words "then on the panchāyat" shall be inserted after the word "panchāyatdars" and after the word "present" the words "not being less than three in number" shall be added.

Amendment of section 132.

107. In section 132, sub-section (*2*), the words "from time to time" and the words "at any time in like manner" shall be omitted; and the words "for a period not exceeding four months during any one financial year" shall be inserted after the word "exercise".

Amendment of section 134.

108. In section 134, sub-section (*2*), the words "subject to the approval of the president of the taluk board" shall be inserted at the beginning; the

words "Such servants may be transferred by the president of the taluk board from one union to another under the same taluk board, whenever he considers such a course necessary" shall be added at the end; and in sub-section (3), the word "fine" shall be inserted before the word "suspend".

109. In section 135,— Amendment of section 135.

(a) in sub-section (1), for the words "have passed" shall be substituted the words "has passed," and for the word "their" the word "its".

(b) in sub-section (2), the word "fails" shall be substituted for the word "fail," and the word "it" for the word "they."

110. (a) In section 137, sub-section (2), and in section 138, sub-section (3), the words "except charges for the service of authorized loans" shall be added after the words "against such fund"; Amendment of sections 137 and 138.

(b) In section 138, sub-section (1), for the word "they" the word "it" shall be substituted. Amendment of section 138.

111. In section 139, the words "district or" shall be omitted, and the word "roads" substituted for the word "streets." Amendment of section 139

112. In section 140, sub-section (1), the words "in any union" shall be inserted after the word "house-tax"; the words "any fees" shall be substituted for the words "the fees"; the words "such union" shall be substituted for the words "any union"; and the word and figures "(v) and (vi)" shall be substituted for the word and figures "(ii) and (iv)." Amendment of section 140.

113. In section 141,— Amendment of section 141.

(a) the word "its" shall be substituted for the word "their" wherever it occurs, alter the numbering of the clauses under "I. In all unions" into (b) and (f) and those under "II. In a major union" into (d) and (e), and omit the words and figures "I. In all unions" and "II. In a major union;"

(b) insert the following as clauses (a) and (c) to the section:—

[*Vide supra*, p. 613.]

(c) in clauses (b) and (d) as so renumbered, the words "public roads" shall be substituted for the words "village streets," and at the end of clause (e) the word "and" shall be added.

114. In section 143, for the word "their" wherever it occurs the word "its" shall be substituted, and for the figures and word "99 to 101" the figures "99, 100, 101." Amendment of section 143

115. After section 143 the following sections shall be inserted, namely:— Insertion of new sections after section 143.

[143A-B. *Vide supra*, p. 614.]

116. In section 144,— Amendment of section 144.

(a) for the words "not inconsistent" shall be substituted the word "consistent" and the following words inserted at the end of clause (iii):—

[*Vide supra*, p. 615.]

(*b*) after clause (vi), insert the following as clause (vii) and alter the numbering of the succeeding clauses :—

[*Vide supra*, p. 615.]

(*c*) in clause (viii) as renumbered, insert the words "and pancháyats" after the words "local boards," and the following shall be inserted at the end of the clause :—

[*Vide supra*, p. 615.]

(*d*) after clause (xiv) as renumbered, insert the following as clause (xv) :—

[*Vide supra*, p. 616.]

(*e*) renumber the last clause as (xvi).

Amendment of section 146.

117. In section 146, the words "unless the Governor in Council shall otherwise for any special reason direct" shall be inserted between the word "operation" and the word "until".

Repeal of the proviso to section 147.

118. The proviso to section 147 is hereby repealed.

Amendment of section 150.

119. In section 150, sub-section (*1*), the words "a statement" shall be omitted.

Amendment of section 151.

120. In section 151, sub-section (*2*), the words "of a local board" shall be inserted after the words "such annual report."

Amendment of section 152.

121. In section 152, in sub-section (*1*), for the word "the" before the words "local board" where they first occur shall be substituted the word "a" and, in sub-section (*2*), the words "or of any particular local board or boards and pancháyat or pancháyats" shall be inserted after the word "pancháyats," and the word "concerned" shall be added at the end.

Insertion of a new section after section 152.

122. After section 152 the following section shall be inserted, namely :—

[152A. *Vide supra*, p. 618.]

Amendment of section 153.

123. In section 153, the year "1870" shall be altered into "1894."

Repeal of section 154.

124. Section 154 is hereby repealed.

Substitution of new sub-sections for sub-sections (1) and (2) of section 155.

125. In section 155,—

(*a*) the following shall be substituted for sub-sections (*1*) and (*2*) :—

[*Vide supra*, p. 618.]

Amendment of sub-section (3) of section 155.

(*b*) in sub-section (*3*), the word "distraint" shall be substituted for the word "distress" wherever it occurs ; and the words "bill, notice, schedule, form, summons" shall be inserted between the word "the" and the word "notice."

Addition of a new sub-section to the same section.

(*c*) the following shall be inserted as sub-section (*4*) :—

[*Vide supra*, p. 619.]

Substitution of a new section for section 156.

126. For section 156 the following section shall be substituted :—

[*Vide supra*, p. 619.]

127. In section 158, sub section (2) the words "incorporated or registered" shall be omitted before the word "company", for the word "a" before the words "local board" shall be substituted the word "the", and at the end of the sub section shall be added the words "unless he is a director of such company" — Amendment of section 158.

128. After section 162 the following sections shall be inserted namely — Insertion of new sections after section 162

[162A D *Vide supra*, p 621]

129. In section 163, the words "bill, form or notice" shall be substituted for the word "notice" wherever it occurs, and the words "adult male member" and "adult male occupier" shall be substituted for the words "adult member" and "adult occupier", respectively — Amendment of section 163.

130. In section 166 — Amendment of section 166

(a) in sub section (1) the words "in case any fine compensation, penalty or costs imposed or assessed by a Magistrate under or by virtue of this Act or of any bye law made in pursuance thereof" shall be substituted for the words "whenever any fine imposed under or by virtue of this Act",

(b) in sub section (2), for the words "such warrant" shall be substituted the words "any warrant of distress under this Act", and the words "or sum of money" shall be inserted after the words "levy such fine" and after the words "amount of fine," and this sub-section as so amended shall be inserted as section 166A, — Insertion of sub-section (2) with certain alterations as a new section.

(c) sub section (3) shall be omitted — Omission of sub-section (3).

131. The following shall be substituted for Schedule A — Substitution of a new Schedule for Schedule A.

[*Vide supra*, p. 621]

132. The following shall be substituted for Schedule B — Substitution of a new Schedule for Schedule B.

[*Vide supra*, p 621]

133. In Schedule C, the word "fifteen" shall be substituted for the word "seven" — Amendment of Schedule C.

THE MADRAS COURT OF WARDS ACT, 1902
(MAD ACT I OF 1902)

CONTENTS

PREAMBLE.

CHAPTER I.
PRELIMINARY

CHAPTER II.

THE COURT OF WARDS.

CHAPTER III.

ASSUMPTION OF SUPERINTENDENCE OF PERSONS AND PROPERTY.

CHAPTER IV.

MANAGEMENT AND GUARDIANSHIP.

CHAPTER V

ASCERTAINMENT AND SETTLEMENT OF DEBTS

CHAPTER VI

SUITS

CHAPTER VII.

RELEASE OF PERSONS AND PROPERTY FROM SUPERINTENDENCE.

CHAPTER VIII.

MISCELLANEOUS.

CHAPTER IX.

PENALTIES.

MADRAS ACT No. I OF 1902.[1]

[THE MADRAS COURT OF WARDS ACT, 1902.]

[22nd February, 1902; 7th May, 1902.]

An Act to consolidate and amend the law relating to the Court of Wards in the Madras Presidency.

ıble. WHEREAS it is expedient to consolidate and amend the law relating to the

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, 1901, Extraordinary, p. 15; for the Report of the Select Committee, *see ibid*, 1902, Extraordinary, p. 1; and for the Proceedings in Council, *see ibid*, 1901, Pt. IV, pp. 44, 74, *ibid*, 1902, Pt. IV, pp. 46, 89, 123.

The assent of the Governor General to this Act was published in the Fort St. George Gazette of the 27th May, 1902.

Court of Wards in the presidency of Madras, It is hereby enacted as follows —

CHAPTER I

PRELIMINARY

Short title **1.** This Act may be called the Madras Court of Wards Act 1902

Extent. It extends to the presidency of Madras exclusive of the scheduled districts

Mad Reg II of 1803. Mad Reg V of 1804. XXI of 1855. Mad Act IV of 1899. *Laws repealed* **2.** Section 25 of the Madras Collectors Regulation 1803[1] the Madras Court of Wards Regulation 1804[2] the Madras Minors Act 1855 and the Madras Court of Wards (Amendment) Act 1899[2] are hereby repealed

Jurisdiction of High Court saved **3** Nothing in this Act shall be construed to affect or in any way to derogate from any power possessed by the High Court of Madras over the persons and estates of infants idiots and lunatics

Definitions **4** In this Act unless there is something repugnant in the subject or context

Court "The Court" means the Court of Wards

Ward "Ward" means a person who has been made a ward of the Court under section 19

IX of 1875. VIII of 1890. *Minor* "Minor" means a person who under the provisions of the Indian Majority Act, 1875[3], as amended by section 52 of the[4] Guardians and Wards Act, 1890 has not attained majority

Proprietor "Proprietor" means a person who owns or has a life interest in land either solely or as a co sharer

---

CHAPTER II

THE COURT OF WARDS

Court of Wards **5** The Board of Revenue shall be the Court of Wards for the territories to which this Act extends and for the purposes of this Act Collectors shall be subject to the control of the Court

Control of Local Government **6** The Court of Wards shall be subject to the control of the Local Government and the Local Government may, if it thinks fit revise modify or reverse any order passed or proceedings taken under this Act, whether a petition is presented against such order or proceeding or not

Mad Act I of 1894. *Distribution of business* **7.** (1) Sections 2 3 and 4 of the Madras Board of Revenue Act 1894[1], shall so far as may be, apply to the Board of Revenue when exercising jurisdiction as the Court of Wards

Secretary may sign for Court. (2) It shall in all cases be lawful for a Secretary of the Board of Revenue to sign on behalf of the Court

Powers of Court how exercised **8** The Court may exercise all or any of the powers conferred on it by this Act through the District Collectors in whose districts any part of the property

---

[1] Printed supra

[2] Repealed except as regards the Scheduled Districts (see s. 1 of this Act).

[3] General Acts, Vol. II

[4] General Acts, Vol. IV

of the ward may be situated or through any other person whom it may appoint for the purpose; and may confer any of its powers on any such Collector or person and withdraw any powers so conferred.

CHAPTER III.

ASSUMPTION OF SUPERINTENDENCE OF PERSONS AND PROPERTY.

Disqualification.

9. The following proprietors shall be deemed to be disqualified for the management of their property:—

(*a*) Minors.

(*b*) Women declared by the Local Government to be incapable of managing their property.

(*c*) Proprietors adjudged by a competent civil court to be of unsound mind and incapable of managing their property.

(*d*) Proprietors declared by the Local Government to be incapable of managing their property owing to any physical or mental defect or infirmity rendering them unfit to manage their property.

Immediate protection of disqualified heirs.

10. (*1*) Whenever a Collector receives information that a proprietor of land situated in his division or district has died, and he has reason to believe that the heir of such proprietor is, or should be declared to be, disqualified under section 9,—

(*a*) he may take such steps and make such order as he thinks proper for the temporary custody and protection of the property which he has reason to believe to belong to the heir; and

(*b*) if the heir be a minor he may direct that the person, if any, having custody of the minor, shall produce him or cause him to be produced, at such place and time, and before such person, as he appoints, and may make such order for the temporary custody and protection of the minor as he thinks proper;

(*c*) female minors who ought not to be compelled to appear in public shall be produced in accordance with the manners and the customs of the country.

(*2*) If the Collector taking action under sub-section (*1*) is not the District Collector, he shall report the matter forthwith to the District Collector, who shall decide whether to direct the Collector to withdraw, or himself to report the matter to the Court as provided in section 12.

Recovery of expenditure.

11. All expenses incurred by a Collector, acting under section 10, shall, whether the property is afterwards taken under the superintendence of the Court or not, form a charge upon the property concerned, and shall be recoverable from the owner of such property, or the person whom the Collector shall find to be in possession of such property, as an arrear of land-revenue.

Report by District Collector.

12. Whenever any District Collector, after making such inquiry as he deems necessary, has reason to believe that any proprietor in his district is,

or should be declared to be, disqualified under section 9, he shall submit a report to the Court setting forth all the circumstances of the case Provided that in the case of proprietors of land on which the annual revenue payable to Government is less than Rs 10,000 or of which the annual rent value as defined in the Madras Local Boards Act 1884[1], is less than Rs 20,000,[1] the District Collector need not report the case to the Court unless he is of opinion that the Court ought to assume the superintendence of the property Provided also that the Court or the Local Government may call for a report on any case if it thinks fit

Mad. Act V of 1884

13 (*1*) Before reporting to the Court under section 12 that a proprietor ought to be declared to be disqualified under clause (*b*) or (*d*) of section 9, the District Collector shall give notice to such proprietor and afford him a reasonable opportunity to be heard and to adduce evidence

Proprietor to be given opportunity to be heard and to adduce evidence

(2) All questions as to whether the provisions of this section have been complied with shall be decided finally by the Local Government

14. The Court shall consider the Collector's report and except in the case of female proprietors, not being minors whom it decides to leave in charge of their property, shall report the case to the Local Government with its recommendation and pending the receipt of orders shall have power to take such steps as it may deem necessary for the protection of the person and property of the proprietor in question

Report by Court

15. The Local Government, on receipt of the Court's recommendation, may in any case falling under clause (*b*) or (*d*) of section 9 declare the proprietor to be disqualified, and in any case falling under section 9 may order the Court to assume the superintendence of the person or property of the proprietor or of both

Local Government may declare proprietor disqualified and direct Court to assume superintendence

16. The Local Government shall not declare any proprietor to be disqualified under clause (*d*) of section 9 unless satisfied that it is expedient in the public interests that his property should be managed by the Court, and statement to this effect shall be inserted in the declaration made by the Local Government as provided in section 15

Proprietor not to be declared disqualified under section 9 (*d*) unless on ground of public interests.

17. (*1*) The Local Government shall not order the Court to take the property of an undivided Hindu family under its superintendence unless all the co-parceners are, or are declared to be, disqualified under section 9

(2) When two or more proprietors are co-sharers otherwise than as co parceners in an undivided Hindu family and one of such co-sharers is, or is declared to be disqualified under section 9, the Local Government may order the Court to institute a suit for partition on behalf of the disqualified proprietor and to take under its superintendence the property allotted to such proprietor in the partition

Provision to meet case of undivided *Hindu* families and co-sharers.

---

[1] Printed *supra*

Application by proprietor himself.

18. A proprietor may make application to the Local Government to have his property placed under the superintendence of the Court, and the Local Government may, on being satisfied that it is expedient in the public interests that such property should be managed by the Court, make a declaration to that effect and order the Court to assume the superintendence of such property.

Notification of assumption of superintendence.

19. (*1*) Whenever under section 15 or 18 the Local Government orders the Court to take under its superintendence the person or property of a proprietor or both, such order of the Local Government, together with any declaration made under the aforesaid sections, shall be notified in the *Fort St. George Gazette* and also in the Gazette of the district in which such property or any portion thereof is situate. The notification shall specify the District Collector who shall discharge the duties imposed upon a Collector by this Act in respect of such person or property or both as the case may be.

Consequences of such notification.

(*2*) Such proprietor shall be deemed to have become a ward under the Court, from the date of the said order of the Local Government and the superintendence of his person or property or of both shall take effect from the said date, and as to property shall extend to all moveable and immoveable property belonging to him at the date of the order, or to which he shall afterwards become in any way entitled, whilst he continues under such superintendence.

Provided that it shall be in the discretion of the Court to assume or refrain from assuming the superintendence of any property which the ward may acquire otherwise than by inheritance subsequent to the date of the order of the Local Government under section 15 or 18.

CHAPTER IV.

MANAGEMENT AND GUARDIANSHIP.

[Col]lector to [take] charge [of] ward's [pro]perty.

20. When the Court has assumed the superintendence of the property of a ward, the District Collector specified in the notification under section 19, or if so directed by the Court, the Collector of the district in which any part of the property is situated shall take possession and custody of such property on behalf of the Court.

[Po]wers of [Col]lector in [so] doing.

21. It shall be lawful for such Collector :—

(*a*) to order any person in possession of any moveable property to the possession of which the ward is entitled or of any accounts or papers relating to the property of such ward, to deliver up such moveable property, accounts or papers ;

(*b*) in case there is reason to believe that any moveable property to the possession of which the ward is entitled or any accounts, or papers relating to the property of the ward are to be found in any room, box, or receptacle within any house in the actual possession of the ward, to break open such room, box or receptacle or authorize

the same to be broken open for the purpose of searching for such property, accounts or papers,

(c) to order any person who is or has been in the employ of the ward, and any person who was in the employ of the deceased proprietor, if any, from whom the ward derives his title, to attend before him for examination, and to defray the necessary expenses of any person so attending out of the assets of the estate,

(d) to order all holders of tenures and undertenures on the ward's property to produce their titles before him

Allowances for ward and family

22. The Court may determine what sums shall be allowed for the expenses of the ward and of his family and dependants

Custody, residence, education and marriage of ward or minor relatives.

23. The Court may make such orders and arrangements, as to it may seem fit, in respect of the custody, residence, education and marriage—

(a) of any ward whose person is for the time being under its superintendence,

(b) of any minor child, minor brother, or minor sister of such ward who, in the opinion of the Court, is entitled to maintenance at the charge of the ward's estate,

(c) of the ward's next male heir being a minor and also so entitled to maintenance

Appointment, etc., of managers and guardians.

24. (1) The Court may appoint managers for the property, and guardians for the person, of any ward, and may control or remove any manager or guardian so appointed

Provided that it shall not appoint a guardian for any person who has become a ward in pursuance of an order under section 18

(2) Any appointment made under this section shall terminate when the Court ceases to exercise superintendence over the person for whom a guardian, or over property for which a manager, has been appointed

Collector to act if there are none

25. If no manager of the property or guardian of the person of a ward is appointed by the Court, or the office is temporarily vacant, the District Collector specified in the notification under section 19, or any other Collect or whom the Court may appoint in this behalf, shall be competent under the control of the Court, to do anything that might be done by such manager or guardian

Who may and may not be guardians.

26. (1) No person being the next legal heir of a ward, or appearing to have a direct or indirect advantage in the death or continued disqualification of such ward shall be appointed guardian of such ward

Provided that the mother of a ward, or any person appointed guardian by the will of a person authorized to make such appointment may be appointed guardian by the Court at its discretion

(2) A female guardian shall be appointed for a female ward, and a male guardian for a male ward above seven years of age, unless, in any case, the Court, for special reasons, shall direct otherwise

Provided that no guardian shall ordinarily be appointed for a female ward if she has an adult husband.

Duties of guardians.

27. A guardian appointed under section 24 shall be charged with the custody of the ward, and, subject to the control of the Court, shall make suitable provision for his maintenance and health, and, if he be a minor, for his education, and for such other matters as are required by the personal law to which the ward is subject, and shall—

(*a*) give such security (if any), as the Court thinks fit, for the due performance of his duty;

(*b*) submit such accounts as the Court may direct;

(*c*) pay the balances due from him thereon;

(*d*) continue liable to account to the Court after he has ceased to be guardian for his receipts and disbursements during the period of his guardianship;

(*e*) apply for the sanction of the Court to any act which may involve expense, not previously sanctioned by the Court;

(*f*) be paid such allowance out of the property of the ward as the Court thinks fit.

Powers of manager.

28. Every manager appointed by the Court shall have power, subject to the control of the Court, to collect the rents of land placed under his charge, as well as all other money due to the ward, and to grant receipts therefor, and may, under the orders of the Court, grant or renew such leases as may in his opinion be necessary for the good management of the property, and do all such lawful acts as he may be generally or specially authorised by the Court to do for the good management of the property.

Duties of manager.

29. Every manager appointed by the Court shall manage the property placed under his charge diligently and faithfully, and shall—

(*a*) give such security, if any, as the Court thinks fit, duly to account for what he may receive in respect of the rents and profits of the property under his charge;

(*b*) keep such accounts in such form and submit them at such times as the Court may direct;

(*c*) deal with all moneys received by him in such manner as the Court may direct;

(*d*) apply for the sanction of the Court to any act which may involve the property in expense not previously sanctioned by the Court;

(*e*) be responsible for any loss occasioned to the property by his negligence or wilful default;

(*f*) continue liable to account to the Court after he has ceased to be manager for his receipts and disbursements during the period of his managership;

(*g*) be paid such allowance out of the property of the ward as the Court thinks fit.

Employés of Court deemed to be public servants.

30. Every guardian, manager, or other servant of the Court, shall be deemed to be a "public servant" within the meaning of sections 161, 162, 163, 164 and 165 of the Indian Penal Code, and in the definition of legal remuneration contained in the said section 161, the word "Government" shall for the purposes of this section, be deemed to include the Court

XLV of 1860

Manager and other servants to be deemed to be public accountants and amenable to Regulation IX of 1822.

31. Every manager or other servant of the Court entrusted with the receipt, custody or control of moneys or securities for money on behalf of the Court or with the management of any property under its superintendence shall be deemed to be a public accountant within the meaning of the Public Accountants' Default Act, 1850[1], and shall be amenable to the provisions of the Madras Revenue Malversation Regulation, 1822[2], as if he were a native servant of the Collector's public establishments

XII of 1850
Mad Reg IX of 1822.

Regulation of expenditure

32. Unless the Court otherwise directs, all moneys received by, or on behalf of, the Court on account of the property of any ward, shall be employed in meeting the charges included in Class I hereinafter specified before it is employed in meeting the charges in Classes II and III hereinafter specified, and in meeting the charges in Class II before it is employed in meeting those in Class III

Class I.

Charges necessary for the maintenance, residence, education marriage and indispensable religious observances of the ward and his family

Charges necessary for the management and supervision of the property of the ward

Charges on account of Government revenue and of all cesses and other public demands due in respect of such property, or any part of such property.

Class II

Charges on account of rent, cesses or demands due to any superior landholder in respect of any land held on behalf of the ward

The liquidation of debts payable by the ward

Expenses necessary to protect the interests of the ward in the civil courts or otherwise

The maintenance in efficient condition of the estates, buildings and other immoveable property and the suitable up-keep of the furniture, equipage live-stock and other moveable property belonging to the ward

Class III

The payment of such charges for the religious observances of the ward and his family and of such religious, charitable and other allowances, and of such donations befitting the position of the ward's family, as the Court may authorize to be paid

[1] General Acts, Vol. I
[2] Printed supra.

The prevention and relief of distress among the ward's tenantry.

The improvement of the land and property of the ward and the benefit of the ward and his property generally.

Surplus how to be dealt with.

33. Any surplus which remains after providing, so far as the Court deems fit for the objects mentioned in section 32, shall be applied in the purchase of other landed property, or invested at interest on the security of—

(*a*) promissory notes, debentures, stock and other securities of the Government of India;

(*b*) bonds, debentures and annuities charged by the Imperial Parliament on the revenues of India;

(*c*) stock, or debentures of, or shares in, railways or other companies, the interest whereon has been guaranteed by the Secretary of State for India in Council;

(*d*) debentures, or other securities for money, issued by, or on behalf of, any local authority under the authority of any Act of a Legislature, established in British India;

(*e*) such other securities, stock, or shares guaranteed by the Government of India, or the Local Government as the Court shall deem fit; or,

(*f*) first mortgages of immoveable property situate in British India provided that the property is not a leasehold for a term of years and that the value of the property exceeds by one-third or if consisting of buildings, exceeds by one-half, the mortgage-money.

Disabilities of wards.

34. A ward shall not be competent—

(*a*) to transfer or create any charge on, or interest in, any part of his property which is under the superintendence of the Court, or to enter into any contract or to make any acknowledgment involving him in pecuniary liability personally or in respect of such property; but nothing in this clause or in section 23 shall be deemed to affect the capacity of a ward to enter into a contract of marriage: provided that he shall not incur in connection therewith any pecuniary liability, except such as, having regard to the personal law to which he is subject, and to his rank and circumstances, the Court may, in writing, declare to be reasonable;

(*b*) to grant valid receipts for the rents and profits arising or accruing from such property or for debts or other moneys due to the estate;

(*c*) to adopt or to give a written or verbal permission to adopt, without the consent of the Court;

(*d*) to dispose of his property by will without the consent of the Court:

Provided first, that the Court shall not withhold its consent under clause (*c*) or (*d*) if the adoption or testamentary disposition is not contrary to the personal or special law applicable to the ward, and does not appear likely to cause pecuniary embarrassment to the property, or to lower the influence or respectability of the family in public estimation:

Provided, secondly, that the Court may confirm a will or an adoption made, or a permission to adopt given, without its previous consent:

Provided, thirdly, that the provisions of clauses (*c*) and (*d*) shall not apply to any proprietor in regard to whose property a declaration has been made under section 18.

35. The Court may mortgage or sell the whole or any part of any property under its superintendence and may give leases or farms of the whole or any part of such property for such terms as it thinks fit, and may make remissions of rent or other dues, and may generally pass such orders and do such acts not inconsistent with the provisions of this or any other Act for the time being in force as it may judge to be for the advantage of the ward or for the benefit of the property.

Powers of Court as to property under its superintendence.

36. The Court may order such establishments to be employed and charges to be incurred as it shall consider requisite for the care and management of the persons and properties under its superintendence, and generally for all the purposes of this Act, and may order that such charges shall be borne by and distributed amongst the said properties in such proportions as it deems fit.

Establishments and distribution of charges.

CHAPTER V.

Ascertainment and Settlement of Debts.

37. (*1*) On the publication of a notification under section 19, the District Collector therein specified may, at any time with the previous sanction of the Local Government, publish in the Gazette of the district or districts in which such property may be situate a notice in English and in the vernacular calling upon all persons having pecuniary claims, whether immediately enforceable or not against the ward or his property to notify the same in writing to the Collector within six months from the date of such notification.

Notice calling upon claimants to notify claims.

(2) The notice shall also be published at such places and in such other manner as the Court may, by general or special order, direct and shall be sent by registered post to every person who is known to the Collector as having a pecuniary claim against the ward or his property and of whose address the Collector is credibly informed.

(3) The Local Government may at any stage of the proceedings under sections 37, 38 and 40 invest any person either by name or in virtue of his office with the powers of a Collector for any or all of the purposes of these sections.

Explanation.—A claim shall be deemed to be pecuniary for the purpose of this section and sections 38 and 41 notwithstanding that a suit for its enforcement or a reference of such claim to arbitration is pending or that a decree or award has been passed establishing the same.

Claimants to furnish full particulars and documents.

38. (*1*) Every such claimant shall within the period prescribed by section 37, notify to the Collector in writing his claim with full particulars thereof :

Provided that any claim presented after the expiration of such period and within a further period of six months may be admitted if the claimant satisfies the Collector that he had sufficient cause for not notifying the claim at an earlier date.

(*2*) Every document (including entries in books of account) in the possession of or under the control of the claimant on which he founds his claim, shall be produced before the Collector with the statement of claim or within such time after the preferring of the claim as may be allowed by the Collector in that behalf :

Provided that if the claim relates to an amount secured by a decree or award, it shall be sufficient for the claimant to produce before the Collector a certified copy of the decree and a certificate from the Court which passed or is executing the same declaring the amount recoverable thereunder or a true copy of the award and a statement of the sum recoverable thereunder as the case may be ; and if the claim is pending adjudication in any court or has been referred to arbitration, it shall be sufficient for the claimant to produce a certified copy of the plaint or a true copy of the reference to arbitration as the case may be.

(*3*) It shall be lawful for the Collector to require the production by any claimant of such of the documents in his possession or power relating to his claim other than the documents if any produced under sub-section (*2*) as the Collector may consider necessary.

(*4*) Unless the Collector shall otherwise direct, every document produced under this section shall be accompanied by a true copy thereof. The Collector shall mark the original document for the purpose of identification and, after examining and comparing the copy with it, shall retain the copy and return the original to the claimant.

Pecuniary claim of Government, etc., not affected.

39. Nothing contained in sections 37 and 38 shall apply to any pecuniary claim of Government or any local authority, or to claims for maintenance or for wages or salaries due to servants.

Claims admitted and disallowed.

40. The Collector shall after making such inquiry as he may deem fit, decide which claims notified or admitted under section 38 are to be allowed in whole or in part, and which are to be disallowed, and, on his decision being confirmed by the Court, shall give written notice of the same to the claimants :

Provided that nothing herein contained shall be construed as precluding any claimant from continuing or instituting proceedings in any civil court in respect of any claim whether such claim be allowed or disallowed by the Court in whole or in part.

Claims not notified cease to

41. Every pecuniary claim against the ward or his property which has not been duly notified to, or admitted by the Collector under section 38 shall

notwithstanding any law, contract, decree or award to the contrary, cease to carry interest from the expiration of the period prescribed by section 37, and shall not be paid until after the discharge or satisfaction of the claims notified or admitted under section 38

carry interest, etc

42. No document in the possession or under the control of the claimant which should have been, but has not been produced in accordance with the requirements of section 38 shall be admissible in evidence against the ward or his representative in any suit brought by or against the claimant, or any person claiming under him unless it be proved to the satisfaction of the civil court that it was not within his power to produce such document before the Collector

Inadmissibility in evidence of documents not produced.

43. (1) When any property of a ward is in the possession of a mortgagee, or any person claiming under a mortgagee, the Local Government may, on being satisfied that it is expedient in the public interests that the estate should be preserved and that such incumbrancer should deliver up possession of the mortgaged property, make a declaration to that effect, and direct the Court to take possession thereof, the Court shall, thereupon by an order in writing require such incumbrancer to deliver up possession of the same to the manager at the end of the then current revenue year

When mortgagee in possession may be dispossessed.

(2) If such incumbrancer refuses or neglects to obey such order, the Collector may, without resorting to a civil court, enter upon the property, and summarily evict therefrom the said incumbrancer and any other person obstructing or resisting on his behalf

(3) The dispossession of the incumbrancer under sub sections (1) and (2) shall not deprive him of any summary powers which he would have had under the Madras Rent Recovery Act, 1865[1], for the recovery of arrears of rent due to him at the date of his dispossession

Mad Act VIII of 1865

(4) If in the instrument of mortgage under which the incumbrancer is in possession of the property, no rate of interest is specified, the Collector shall, in cases where the mortgage debt has been notified to or admitted by him offer to the incumbrancer the rate of interest which appears to him to be reasonable, and pass an order fixing the rate accordingly Copy of the order shall be served upon the incumbrancer in the manner prescribed by the Code of Civil Procedure[2] for service of summons upon a defendant If the incumbrancer be dissatisfied with the rate of interest so fixed, he may, within three months from the date of service upon him of such order, institute a suit against the ward in a district court within whose jurisdiction the property mortgaged or any portion thereof is situate, and the said court shall, if the mortgage debt has been notified or admitted as aforesaid pass a declaratory decree fixing such rate of interest as to it may seem reasonable If no such suit be instituted within the said period, the incumbrancer shall be deemed to have agreed to the rate fixed by the Collector

XIV of 1882

[1] Repealed Mad. Act I of 1908, infra.
[2] See now the Code of Civil Procedure, 1908 (V of 1908), General Acts Vol. VI.

(5) If an incumbrancer is dispossed under this section, the money due to him under the instrument of mortgage at the date of such dispossession, together with subsequent interest on the unliquidated principal of the mortgage debt at the rate stipulated in the said instrument, and in the absence of such stipulation at the rate determined as hereinbefore provided, shall, subject to the provisions of section 41, and subject to the charges specified in classes I and II in section 32, excepting the liquidation of debts payable by the ward, and the provisions with reference to the up-keep of the furniture, equipage, livestock and other moveable property belonging to the ward, be recoverable, together with any money which he may be legally entitled to add to the principal money, on the security of the property mortgaged and of the rents and profits arising or accruing therefrom subsequent to the date of such dispossession, in the same manner as if he were a simple mortgagee under the said instrument of such property and of such rents and profits.

(6) The Collector shall, as soon as conveniently may be, after the expiration of the revenue year commencing with the date of such dispossession and of every successive revenue year declare, subject to the approval of the Court, the gross annual rents and profits realized from such property, the several heads of expenditure and the balance and such declaration shall be conclusive evidence of the statements therein contained. A copy of such declaration shall be furnished to the dispossessed incumbrancer free of charge.

Provision regarding leases for insufficient consideration.

44. (1) When any property of a ward is in the possession of any person claiming to hold under a lease granted by the ward and dated within the three years immediately preceding the commencement of the superintendence or of any person claiming under such lessee, the Collector may inquire into the sufficiency of the consideration for which the lease was granted; and if such consideration appears to him inadequate, he may, with the previous sanction of the Court, give notice in writing that the lease shall determine at the end of the then current revenue year unless the lessee or any one claiming under him pays or agrees to pay such additional consideration as may be mentioned in such notice within a date therein fixed. If within such date such person does not pay or enter into an agreement to pay the additional consideration demanded, or such other consideration as the Collector may be willing to accept, the lease shall determine at the end of the then current revenue year:

Provided that such person may, if dissatisfied with the said notice of the Collector, institute a suit against the ward within three months from the date of service of such notice in a district court within whose jurisdiction the property comprised in the lease or any portion thereof is situate for determining whether the consideration for the lease was adequate, and if not whether the additional consideration demanded by the Collector or what other amount is reasonable.

(2) If the said district court be satisfied that the lease was granted for adequate consideration and it is not shown to be otherwise invalid, it shall pass a decree establishing the validity of the lease

(3) If the district court holds the consideration for the lease to be inadequate, it shall determine the amount of additional consideration to be paid by the lessee

(4) If no such suit be instituted or if on the institution of such suit the lessee does not within one month from the date of the decree therein pay or enter into an agreement to pay the additional consideration determined by the district court the Collector may without resorting to a civil court enter upon the property and summarily evict therefrom such person and any other person obstructing or resisting on his behalf

45. (1) In the case of any specified ward of the Court the Local Government may, with the previous sanction of the Governor General in Council declare by notification in the official Gazette that execution of decrees passed by civil courts which are capable of execution by sale of any immoveable property of such ward, or which in pursuance of a contract specifically affecting any such immoveable property order the sale of the same, whether such decrees be passed prior to such notification or subsequent thereto shall be transferred to the Collector of the district in which such property or any portion thereof is situate and rescind such notification — Execution of decrees to be transferred to Collector in certain cases.

Provided that when a portion only of a decree passed by a civil court is of the description aforesaid such portion alone shall be transmitted to the Collector for execution

(2) The Local Government may also notwithstanding anything contained in the Code of Civil Procedure[1] prescribe rules for the transmission of the decree from the civil court to the Collector, and for regulating the procedure of the Collector in executing the same, and for re-transmitting the decree from the Collector to the civil court — XIV of 1882

(3) Rules under this section may confer upon the Collector or any gazetted subordinate of the Collector all or any of the powers which a civil court might exercise in the execution of the decree if the execution thereof had not been transferred to the Collector, including the powers of the civil court under sections 291 and 312 of the Code of Civil Procedure[1] and may provide for orders passed by the Collector or any gazetted subordinate of the Collector or orders passed on appeal with respect to such orders being subject to appeal to and revision by superior revenue authorities as nearly as may be as the orders passed by the civil court or orders passed on appeal with respect to such orders would be subject to appeal to and revision by appellate or revisional civil courts under the Code of Civil Procedure[1] or other law for the time being in force if the decree had not been transferred to the Collector — XIV of 1882. XIV of 1882.

(4) A power conferred by the rules upon the Collector, or any gazetted subordinate of the Collector, or upon any appellate or revisional authority,

[1] See now Act V of 1908, General Acts Vol. VI.

shall not be exerciseable by the civil court which passed the transferred decree or by any civil court in exercise of any appellate or revisional jurisdiction which it has with respect to decrees or orders of the aforesaid civil court.

(5) In executing a decree transferred to the Collector under this section the Collector shall be deemed to be acting judicially within the meaning of the Judicial Officers Protection Act, 1850[1]. XVIII of 1850.

Collector to whom execution of decree has been transferred to cease to discharge the functions of a Collector under the Act.

46. (1) When the Collector, to whom the execution of any decree has been transferred under section 45, is also the Collector who has to discharge the other functions of a Collector under this Act in respect of the ward against whom such decree has to be executed, the Local Government shall appoint some other person by name or in virtue of his office to exercise the functions of a Collector under this Act in respect of such ward other than the execution of the decrees transferred to him.

(2) The Board of Revenue may authorize the person so appointed to exercise all or any of the powers conferred on a revenue-officer in charge of a division by sub-section (2) of section 16 of the Madras Proprietary Estates' Village Service Act, 1894[2]. Mad. Act II of 1894.

Certain provisions of Civil Procedure Code to be applicable to execution of decrees transferred to Collector.

47. The provisions of sections 321, 322, 322A, 322B, 322C, 322D, 323, 324, 324A, 325, 325A, 325C of the Code of Civil Procedure[3], shall subject to the provisions of this Act and to such rules as may be prescribed by the Local Government under section 45, be applicable as far as may be to the execution of decrees transferred under section 45. XIV of 1882.

CHAPTER VI.

SUITS.

Exercise of discretion not to be questioned in civil court.

48. No declaration made by the Local Government under section 15 or 18 and no act done in the exercise of any discretionary power conferred by this Act shall be questioned in any civil court.

Suit not to be instituted until after notice to Collector.

49. (1) No suit relating to the person or property of any ward shall be instituted in any civil court until the expiration of two months after notice in writing has been delivered to or left at the office of the District Collector specified in the notification under section 19 or the Collector appointed under section 46, as the case may be,

(2) Such notice shall state the name and place of abode of the intending plaintiff, the cause of action and the relief which he claims ; and the plaint shall contain a statement that such notice has been so delivered or left :

Provided that notice under this section shall not be required in the case of any suit the period of limitation for which will expire within three months from the date of the notification under section 19.

---

[1] General Acts, Vol. I.
[2] Printed *supra*.
[3] See now Act V of 1908, General Acts, Vol. VI.

Suit or proceeding by or against ward.

50. [1]In all suits or proceedings in any civil or revenue court the ward shall sue and be sued in his own name and the manager of his property appointed under section 24 or, if there is no such manager, the officer competent to act as manager under section 25 shall represent him, as next friend or guardian *ad litem* as the case may be

Costs against Collector or manager how paid

51. If in any such suit or proceedings any civil or revenue court shall decree any costs against the * * [2] manager [3][or other officer competent to act as manager under section 25] the Court of Wards shall cause such costs to be paid out of any property of the ward, which, for the time being, may be in its hands

Suits must be authorized by Court

52. No suit shall be brought on behalf of any ward by the [2] * * manager [3][or other officer competent to act as manager under section 25] unless authorized by some particular or general order of the Court

Provided that a manager [4][or other officer as aforesaid] [5] * * * * * may file a plaint in order to prevent a suit from being barred by the law of limitation, but such suit shall not be further proceeded with, until the consent of the Court has been obtained

Adjudication of civil disputes between two or more wards

53. (*1*) When any question arises as between two or more wards of such a nature that an adjudication upon it by a civil court is expedient, it shall be lawful for the Court of Wards, acting through the Collector of the district in which a case might have been stated for the opinion of the civil court with regard to such matter under section 527 of the Code of Civil Procedure[6], to file in the civil court having jurisdiction, a statement containing the point or points for determination

XIV of 1882

(2) When such statement has been filed, the civil court shall appoint a guardian *ad litem* for each ward having a separate interest, and such guardians shall thereupon conduct the case subject to the general control of the Court of Wards

(3) The civil court may, if it thinks fit amend the case so stated, and shall then proceed to hear and dispose of the case in the manner provided in Chapter XXXVIII of the Code of Civil Procedure[6] for the hearing and disposal of cases stated for opinion under that Chapter

XIV of 1882

CHAPTER VII

RELEASE OF PERSONS AND PROPERTY FROM SUPERINTENDENCE

Release from superintendence.

54. The Court may, with the previous sanction of the Local Government, in all cases where superintendence has been assumed in pursuance of orders

---

[1] Substituted for the original s. 50 by Mad. Act I of 1911, s. 2, infra.
[2] The words "Collector or" were omitted by Mad. Act I of 1911, s. 3, infra.
[3] Inserted by ibid, s. 3
[4] Inserted by ibid, s. 4
[5] The words "in the name of the Collector or in his own name as the case may be" were repealed by ibid, s. 4.
[6] See now Act V of 1908, Genl. Acts Vol. VI

under section 15, at any time release from its superintendence the person or property of a ward or both and shall save as provided in section 57 release from superintendence—

(a) the person and property of a ward disqualified under clause (a) of section 9 as soon as he ceases to be a minor;

(b) the person and property of a ward disqualified under clause (c) of section 9 as soon as it is found by a competent civil court that the disability has ceased;

(c) the person and property of a proprietor declared to be disqualified under clause (b) or (d) of section 9 as soon as the Local Government revokes its declaration that such proprietor is disqualified;

(d) the property of an undivided Hindu family, and the person of every co-parcener therein who is not possessed of separate estate, as soon as any co-parcener ceases to be disqualified under section 9.

Release of estates taken under management under section 18 when debts cannot be liquidated within reasonable time.

55. (1) The Court may, with the previous sanction of the Local Government, at any time within two years from the date of the notification published under section 19, release from its superintendence, on a day to be notified, the property of a person who has been made a ward of the Court in pursuance of an order under section 18 without liquidating any of his debts and liabilities or after liquidating some of the debts and liabilities, when the Court is satisfied that it is impracticable to liquidate within a reasonable time all the debts and liabilities or such of them as have not been liquidated and in either case the legal incapacity of such ward shall cease on the date so notified.

(2) Whenever an incumbrancer is dispossessed under section 43, and his debt remains unliquidated at the time the Court releases from its superintendence the property of such ward under sub-section (1), the Collector shall replace the incumbrancer in possession.

(3) Whenever the property of a person is released under sub-section (1) from the superintendence of the Court, the provisions of sections 41 and 42 shall not apply to any of the debts and liabilities of the ward remaining unliquidated at the time when his property is so released.

(4) In computing the period of limitation applicable to a suit brought or application made against such person or his legal representative after the Court has released his property under sub-section (1) the time during which the superintendence of the Court continued shall be excluded.

When estate taken under management under section 18 may be made over to proprietor.

56. The Court may, with the previous sanction of the Local Government, replace any proprietor made a ward of the Court in pursuance of an order under section 18, in the management of his estate on a day to be notified if the debts and liabilities binding on his estate have been discharged, and the Court is satisfied that he will thereafter be competent to take charge of his estate and administer his own affairs and his legal incapacity shall cease on such date.

Option to retain superintendence

57. When a ward dies or ceases to be disqualified before the debts and liabilities binding on his estate have been discharged, the Court may, with

the previous sanction of the Local Government, retain the property under its superintendence until the debts and liabilities are discharged or for any shorter period, and when for the purpose of discharging such debts and liabilities the Court has raised money on condition that it should retain the superintendence of the property until the money so raised is repaid, the Court shall not without the consent of the lender or his representatives withdraw from superintendence until the money so raised has been repaid — In certain cases

Provided that, after the death of the ward, the Court shall not retain charge on account of any debt or liability which has been declared by a civil court not to be binding on the representatives of the deceased ward

58. If the Court retains the superintendence under the provisions of the last preceding section, the person who has succeeded to the property, or the person who has ceased to be disqualified shall in so far as the property in question is concerned be deemed to be a ward of the Court for the purposes of clauses (*a*) and (*b*) of section 31 — Disabilities of proprietor in such cases

59. (*1*) When the Court decides to release from its superintendence the person and property of a minor it may, before such release, by an order in writing, appoint any person to be the guardian of the person or property or both of such minor — Appointment of guardian before release

(2) Such appointment shall take effect from the date of such release

(3) In appointing a guardian under this section, the Court shall be VIII of 1890 guided by the provisions of section 17 of the Guardians and Wards Act, 1890 [1]

(*4*) Every such guardian shall have and be subject to the same rights, VIII of 1890 duties and liabilities as if he had been appointed under the Guardians and Wards Act, 1890 [1]

60. Any expense incurred by the Court on account of any property under its charge, and not defrayed from such property during the Court's superintendence may, after the release of such property, be recovered as if it were an arrear of land revenue from any person into whose possession such property or any part thereof may have passed — Recovery of expenses after release.

Provided that the sum so recovered from any such person shall not be greater than the value of any such property, which so passed into the possession of such person

61. Whenever, on the death of any ward, the succession to his property or any part thereof is disputed, the Court may either direct that such property or part thereof be made over to any person claiming the property, or may retain the superintendence of the property until a claimant has established his title to the same in a competent civil court, or institute a suit of interpleader against all the claimants — Procedure when succession towards property is disputed

62. Whenever the Court releases any person or property from its superintendence, the fact of such release shall be notified in the *Fort St. George Gazette* and also in the Gazette of the district in which such property or any part thereof is situate — Notification of release from superintendence

[1] General Acts, Vol. II

CHAPTER VIII.

MISCELLANEOUS.

Powers of Court in regard to religious endowments of which ward is hereditary trustee or manager.

63. If a ward is the hereditary trustee or manager of a temple, mosque or other religious establishment or endowment, the Court, notwithstanding anything contained in section 22 of the[1] Religious Endowments Act, 1863, may make such arrangements as it thinks fit for the discharge, during the wardship of the ward's duties as trustee or manager, provided that for the direct and personal management of the religious affairs of any such institution, establishment or endowment the Court shall appoint suitable persons other than officers of Government and that the Court shall as far as possible restrict its superintendence to the preservation of the property belonging to the institution, establishment or endowment. XX of 1863.

Powers of persons holding inquiries.

64. In holding any inquiry under this Act the Collector or other person authorized to hold such inquiry shall have all the powers conferred on revenue officers by the Madras Revenue Summonses Act, 1869[2]. Mad. Act III of 1869.

Property under charge of Court not liable to sale for arrears.

65. No immoveable property under the superintendence of the Court shall be liable to sale on account of arrears of land-revenue, accruing while such estate is under the superintendence of the Court:

Provided that all such arrears of revenue shall be the first charge upon the sale-proceeds of any such property which may be sold for any other cause than for arrears of revenue.

Power to make rules.

66. The Court may, with the previous sanction of the Local Government, make rules consistent with this Act—

(*a*) regulating the management of property under the superintendence of the Court; and

(*b*) generally for the guidance of all persons in all proceedings under this Act and for carrying out the provisions of this Act.

CHAPTER IX.

PENALTIES.

Abetting unsanctioned marriage of wards, etc.

67. Whoever, without the previous consent of the Court, abets the marriage of any of the persons specified in clauses (*a*), (*b*) and (*c*) of section 23 shall be liable, on conviction before a Court of Session, to a fine not exceeding Rs. 2,000 or to imprisonment for a term not exceeding six months or to both.

---

[1] General Acts, Vol. I.
[2] Printed *supra*

MADRAS ACT No I of 1903 [1]

[The Madras Planters Labour Act, 1903]

[*20th March, 1903 , 28th April, 1903*]

An Act to regulate the conditions of labour in the planting districts of the Presidency of Madras

WHEREAS it is expedient to regulate the conditions of labour in the planting districts of the Presidency of Madras, It is hereby enacted as follows — Preamble

---

CHAPTER I

Preliminary

1. (*1*) This Act may be called the "Madras Planters Labour Act, 1903" Short title extent and commencement

(*2*) The provisions of this Act shall extend to such local areas within the Presidency of Madras as the Local Government may by notification direct

Provided that the Local Government may, in like manner at any time, direct that such provisions shall be withdrawn from any such local area or any part thereof Proviso

(*3*) Such provisions shall come into force and shall cease to be in force in any local area or part thereof on the dates specified in the notifications relating thereto

XIII of 1859 **2.** When the provisions of this Act have been extended to any local area, the provisions of the Workman's Breach of Contract Act, 1859 [2], shall cease to apply to contracts with regard to estates in such area between a planter and a maistry, or a planter and a labourer or a maistry and a labourer, but shall apply to such contracts as aforesaid so soon as the provisions of this Act are withdrawn Effect of extension and withdrawal of Act.

Provided that the extension of this Act to any local area shall in no way affect the enforcement of any contract entered into before such extension and that the withdrawal of this Act shall in no way affect the enforcement of any contract entered into before such withdrawal, but such contracts shall continue to be enforceable under the Workman's Breach of Contract Act, 1859 [2], and this Act respectively Proviso

XIII of 1859

3 (*1*) In this Act, unless there is something repugnant in the subject or context — Interpretation clause

(*a*) "Employer" means the planter or maistry for whom a labourer is bound under a labour contract to work "Employer"

---

[1] For Statement of Objects and Reasons see Fort St. George Gazette Part IV, dated 8th December 1902, page 2[illegible]; for Report of Select Committee, see ibid dated 2nd February 1903 page 41 [illegible] 903 page 21, and ibid, dat[illegible] (sections 1, 4 13 and 47) [illegible] and Orders

[2] See General Acts Vol. I

"Estate." (*b*) "Estate" means land not less than ten acres in extent whether held by one person or by more persons than one as co-owners, and whether in one or more blocks and situated within any local area to which this Act has been extended which is being prepared for the production of or actually produces, tea, coffee, pepper, cardamom, or cinchona or such other products as the Local Government may by order duly notified specify.

"Labour contract." (*c*) "Labour contract" means a contract penally enforceable under this Act to labour for hire on an estate otherwise than as a domestic servant.

"Labour." (*d*) "Labourer" means any person who enters into a labour contract with a maistry or a planter.

"Magistrate." (*e*) "Magistrate" means a magistrate of the first or second class, and includes a magistrate of the third class when he is specially empowered by the Local Government to perform the functions of a magistrate under this Act.

"Maistry." (*f*) "Maistry" means any person entering into a contract with a planter for the supply of labourers to work on an estate.

"Planter." (*g*) "Planter" means any person owning, managing or superintending an estate or the chief person for the time being in charge of an estate.

(*2*) All words defined in the Indian Contract Act, 1872 [1] and used in this Act shall have the meanings respectively assigned to them by that Act. IX of 1872.

CHAPTER II.

Labour Contracts generally.

Execution of contract between planter and maistry and of labour contract.

4. (*1*) Every contract between a planter and a maistry, and every labour contract shall be in writing and shall be in such form and shall contain such particulars as the Local Government may by rules made under this Act direct, and every labour contract shall be signed in the presence of a magistrate, or of some other person expressly authorized by the Local Government by name or in virtue of his office :

Proviso.

Provided that a contract for a period not exceeding two months may be signed in the presence of two witnesses, if the labourer's home is not more than fifteen miles from the estate, or if the labourer neither is nor is about to be accommodated in coolie lines permanently maintained on the estate.

(*2*) It shall be the duty of the magistrate or other person before whom such labour contract is signed to see that its terms are fully explained to and are understood by the parties.

---

[1] *See* General Acts, Vol. II.

(3) Where the magistrate or such other person as is expressly authorized as above considers that the labourer is not in a fit state of health to undertake the journey to the estate, or that he is incapacitated by reason of any obvious bodily defect or infirmity for labour on the estate, he shall not permit the contract to be signed in his presence

Power of magistrate when labourer is unfit

5. No labour contract shall be made for a term exceeding one year

Maximum term of labour contract

6. No provision in a labour contract which conflicts with or purports to set aside any of the provisions of this Act or of any rules made thereunder, shall be of any effect

Contracts purporting to set aside this Act are invalid.

7. No contract made otherwise than in accordance with the provisions of section 4 shall be enforceable under this Act as a labour contract against the labourer entering into it

Contracts not in accordance with section 4 are unenforceable

8. Notwithstanding anything to the contrary in the Indian Contract Act 1872[1], it shall be competent for any person of the age of sixteen years and upwards to enter into a labour contract

IX of 1872

Persons aged sixteen may enter into labour contract

Provided that no labour contract entered into by a woman without the consent of her husband or guardian (if any) shall be enforceable under this Act, if such husband or guardian objects to its enforcement

Proviso

9. Either party to a labour contract may determine it on giving at least three months' notice in writing of his intention to the other party, and, if objection be taken to the notice, on showing to the satisfaction of a magistrate that he has reasonable grounds for determining it, and on repaying any sum found by the magistrate to be due by him to the other party in respect of such contract

Determination of labour contract upon notice given by either party

10. A labourer may determine his labour contract at any time without notice on showing to the satisfaction of a magistrate that he has reasonable grounds for determining it, and on repaying any sum found by the magistrate to be due by him to his employer, together with a further sum of three annas for every working day of the unexpired period of his contract or a period of three months, whichever may be less

Determination of labour contract by labourer without notice

11. (1) If a labourer is alleged by his employer or claims to be disabled from completing his labour contract by reason of accident or illness, and is unable to agree with his employer as to the terms on which the contract should be determined the employer may, and if the labourer so desire, shall, send the labourer if he is able to travel and if not, send notice to the nearest magistrate, who, if on inquiry he finds the labourer to be disabled from completing the contract, shall declare the contract to be determined, and such order shall be final

Determination of labour contract if labourer disabled from completing contract

---

[1] See General Acts Vol. II

(2) The magistrate making such declaration shall likewise make such order as he may deem fit regarding the repayment of any money found by him to be due by either party to the other and may also direct that the employer shall bear the whole or a part of the cost of the labourer's journey to his home.

(3) In any case in which the magistrate shall find that the accident by which the labourer was disabled was due to the negligence of the employer, he may order any sum not exceeding three months' wages to be paid by the employer to the labourer as compensation.

Determination of labour contract of relative of disabled labourer.

12. When the labour contract of a labourer is or has been determined under section 11, the magistrate may, if he thinks fit, on the application of such labourer's wife, husband, father, mother, son, or daughter who may have entered into a labour contract to work on the same estate as such labourer, cancel the labour contract of such wife, husband, father, mother, son, or daughter.

CHAPTER III.

General Provisions relating to Estates, Maistries and Labourers.

Maintenance of registers of labourers and dependants.

13. (1) Every planter shall keep such registers of all the labourers and other persons employed on his estate and of their dependants in such form as the Local Government may by rule or special order prescribe.

(2) Such registers shall always be open to examination by the officers mentioned in section 16.

Labourer incapacitated from work may claim lodging and food.

14. Any labourer who is incapacitated by illness or accident from work shall during such incapacity be entitled to food or subsistence allowance at the rate of two annas a day and to lodging as well as medical care, at the expense of the planter upon whose estate he is employed:

Provisos.

Provided that such labourer shall not be entitled to receive during such period his wages in addition:

Provided further that nothing herein contained shall prevent the employer from taking steps for the determination of the contract under section 11.

Planter shall provide house accommodation and other conveniences for labourers.

15. Every planter shall at his expense provide for the labourers employed on his estate such house accommodation, water-supply, sanitary arrangements and medical attendance as the Local Government may by rule or special order prescribe.

Power of certain officers to inspect estates.

16. The District Magistrate, the Sub-divisional Magistrate, the District Surgeon, and any other officer specially empowered by the Local Government in this behalf by name or in virtue of his office, shall have power to enter and inspect all lands and houses wholly or partially used by or for labourers, and may require that all such labourers, or any particular class or classes, or

individual or individuals of them, shall be brought before him, and that a copy of the labour contract of any labourer shall be produced, and may make any inquiries which he thinks proper touching the condition or treatment of such labourers, and the employer shall be bound to comply with every requisition and to answer every inquiry so made to the best of his ability

17. (*1*) If it appears to the Local Government upon the report of a District Magistrate that any estate or portion of an estate is unfit for the residence of labourers or of any class of labourers, by reason of any sanitary defects which can be remedied, they may call upon the planter to remedy such defects within a period to be stated (Power to call on planter to remedy sanitary defects)

(*2*) If the planter neglects or omits to remedy such defects within the period so stated, or if the estate or portion of the estate has been reported as unfit for residence from causes which it is impossible to remedy, the Local Government may declare the estate or portion of the estate to be unfit for the residence of labourers or of any class of labourers (or to declare estate unfit for residence)

(*3*) After such declaration has been made and so long as it remains in force no labourer, or no labourer of the particular class to which such declaration relates, shall be bound by any labour contract to work on such estate, or portion of such estate, as the case may be (Effect of declaration.)

18. Any labourer desiring to make a complaint that his employer or any person acting on his behalf has personally ill used such labourer, or has been guilty of a breach of any of the provisions of this Act or any of the rules made thereunder, or desiring to make an application under section 21, may without forfeiting his wages during his absence but subject to the provisions of section 19 absent himself from his work for the time necessary for the purpose of proceeding to the nearest magistrate and making his complaint to such magistrate (Right of labourer to proceed to nearest magistrate to lay complaint)

19. If after such inquiry as the magistrate thinks fit, he is of opinion that the complaint is frivolous or vexatious he shall dismiss the complaint, and shall specify in his order the number of days during which the complainant has been absent from his work in consequence of such complaint, and may direct that the labourer shall forfeit to his employer a sum not exceeding double the amount of his wages for these days (Magistrate's power to punish labourer who brings frivolous or vexatious complaint.)

Provided that the magistrate shall not take any action regarding the payment of compensation to the accused under the Code of Criminal Procedure, 1898,[1] or other law for the time being in force (Proviso.) (V of 1898.)

20. If after such inquiry the magistrate finds that there is sufficient ground for proceeding with the case he shall dispose of the case according to law (Complaints disclosing ground for further proceedings)

21. (*1*) If upon the application of any labourer, it is proved to the satisfaction of a magistrate that the wages of such labourer are wrongfully withheld, the magistrate may award to such labourer the amount which appears (Magistrate's powers when wages are wrongfully withheld)

[1] See General Acts Vol. V

to be then due to him, and also, by way of compensation of such further sum, not exceeding that amount, as to the magistrate seems just.

(2) A magistrate making such an award may, if the labour contract has not already determined, on the application of the labourer, declare such contract to be cancelled, without prejudice however to the continued liability of the employer in respect of the amounts awarded.

Magistrate's powers when employer ill-uses labourer or is convicted of certain offences.

22. Whenever it is proved to the satisfaction of a magistrate—

(*a*) that any planter or maistry has been convicted of any offence causing injury to the person or loss or damage to the property of any labourer working under a labour contract for such planter or maistry, and under the Code of Criminal Procedure, 1898,[1] triable exclusively by the Court of Sessions, or V of 1898.

(*b*) that any planter or maistry has been twice convicted of any such offence against any such labourer and under the said Code triable by a magistrate, or

(*c*) that any such labourer has been compelled by the planter or maistry for whom he works or by any person placed by such planter or maistry in authority over him to perform any work while he was unfit for it, or has been subjected to ill-usage by such planter or maistry or person,

such Magistrate may, if he thinks fit, on the application of the labourer aggrieved, cancel the labour contract of such labourer, and award to him compensation not exceeding thirty rupees.

Magistrate's powers to order repayment of advances by maistry.

23. When on complaint made it is proved to the satisfaction of a magistrate that any maistry who has received from a planter an advance of money in consideration of his contracting to supply labourers to work on an estate has failed duly to supply or to maintain the supply of such labourers, the magistrate may direct that the maistry shall repay to the planter, within a reasonable time to be fixed by the magistrate in the order, such portion of the advance as, taking into consideration the number of labourers, if any, supplied and the period during which they have been supplied, the magistrate shall deem proper:

Proviso.

Provided that if no labourer has been supplied the magistrate may direct that the whole of the advance shall be repaid.

CHAPTER IV.

PENALTIES AND PROCEDURE.

Penalty for default by maistry.

24. Any maistry who—

(*a*) fails without sufficient cause to present himself at an estate upon the date specified in his contract; or

(*b*) having contracted to remain upon an estate for a specified time fails without sufficient cause so to remain; or

---

[1] *See* General Acts, Vol. V.

(c) fails to account for the money advanced to him by a planter in consideration of his contracting to supply labourers to work on an estate;

shall be punishable with imprisonment which may extend to three months or with fine which may amount to five hundred rupees or with both, and the magistrate may award to the planter out of the fine such compensation as he may deem fit

Penalty on planter obstructing inspection or inquiry

25. Any planter, or any person acting under his orders, or on his behalf who wilfully obstructs any inspection or inquiry made under this Act or omits to comply with any requisition made under section 16 shall be punishable with fine which may extend to two hundred rupees

Penalty on planter compelling labourer to work when he is unfit

26. Any planter or maistry and any person placed by a planter or maistry in authority over a labourer, who compels any labourer to perform any work knowing that he is at the time unfit to perform such work shall be punishable with fine which may extend to two hundred rupees

Penalty for failure to provide house accommodation, etc.

27. (*1*) Any planter who wilfully omits to provide house accommodation, water-supply, medical attendance, or sanitary arrangements in accordance with the provisions of this Act or of any rule made thereunder shall be punishable with fine which may extend to five hundred rupees, and the convicting magistrate may order him to comply with such provisions within a reasonable time to be fixed in the order

(2) If the planter wilfully omits to comply with the order within the time so fixed, he shall be punishable with fine which may extend to twenty rupees for each day during which the omission continues

Penalty for absence of labourer from work

28. Any labourer who without reasonable grounds absents himself from his work, or neglects or refuses to work, shall in addition to forfeiting his wages for the days during which he has been absent or has neglected or refused to work be liable, on conviction by a magistrate to pay to his employer a sum not exceeding four annas for each such day, and may also be sentenced to imprisonment for a term not exceeding seven days

Explanation.—Ill usage of such labourer or failure of the employer to fulfil any condition of the labour contract is a reasonable ground within the meaning of this section

Issue of process on complaint that labourer has deserted

29. Whenever an employer or a person acting on his behalf complains to a magistrate that a labourer has deserted from the estate upon which such labourer has contracted to work or without reasonable cause has failed to present himself on the estate at the time specified in his contract, such magistrate may, without previously examining the complainant issue summons for the attendance of such labourer, or a warrant for his arrest, and fix a day for hearing the complaint

Penalty for desertion by labourer

30. (*1*) Any labourer who deserts from an estate upon which he has contracted to work, or without reasonable cause fails to present himself on the estate at the time specified in his contract, shall be punishable with imprisonment for a term which may extend to one month or with fine not exceeding fifty rupees or with both

to be then due to him, and also, by way of compensation of such further sum, not exceeding that amount, as to the magistrate seems just.

(2) A magistrate making such an award may, if the labour contract has not already determined, on the application of the labourer, declare such contract to be cancelled, without prejudice however to the continued liability of the employer in respect of the amounts awarded.

Magistrate's powers when employer ill-uses labourer or is convicted of certain offences.

22. Whenever it is proved to the satisfaction of a magistrate—

(*a*) that any planter or maistry has been convicted of any offence causing injury to the person or loss or damage to the property of any labourer working under a labour contract for such planter or maistry, and under the Code of Criminal Procedure, 1898,[1] triable exclusively by the Court of Sessions, or V of 1898.

(*b*) that any planter or maistry has been twice convicted of any such offence against any such labourer and under the said Code triable by a magistrate, or

(*c*) that any such labourer has been compelled by the planter or maistry for whom he works or by any person placed by such planter or maistry in authority over him to perform any work while he was unfit for it, or has been subjected to ill-usage by such planter or maistry or person,

such Magistrate may, if he thinks fit, on the application of the labourer aggrieved, cancel the labour contract of such labourer, and award to him compensation not exceeding thirty rupees.

Magistrate's powers to order repayment of advances by maistry.

23. When on complaint made it is proved to the satisfaction of a magistrate that any maistry who has received from a planter an advance of money in consideration of his contracting to supply labourers to work on an estate has failed duly to supply or to maintain the supply of such labourers, the magistrate may direct that the maistry shall repay to the planter, within a reasonable time to be fixed by the magistrate in the order, such portion of the advance as, taking into consideration the number of labourers, if any, supplied and the period during which they have been supplied, the magistrate shall deem proper :

Proviso.

Provided that if no labourer has been supplied the magistrate may direct that the whole of the advance shall be repaid.

CHAPTER IV.

PENALTIES AND PROCEDURE.

Penalty for default by maistry.

24. Any maistry who—

(*a*) fails without sufficient cause to present himself at an estate upon the date specified in his contract ; or

(*b*) having contracted to remain upon an estate for a specified time fails without sufficient cause so to remain ; or

---

[1] *See* General Acts, Vol. V.

(c) fails to account for the money advanced to him by a planter in consideration of his contracting to supply labourers to work on an estate,

shall be punishable with imprisonment which may extend to three months or with fine which may amount to five hundred rupees or with both, and the magistrate may award to the planter out of the fine such compensation as he may deem fit

Penalty on planter obstructing inspection or inquiry.

25. Any planter, or any person acting under his orders, or on his behalf who wilfully obstructs any inspection or inquiry made under this Act or omits to comply with any requisition made under section 16 shall be punishable with fine which may extend to two hundred rupees

Penalty on planter compelling labourer to work when he is unfit

26. Any planter or maistry and any person placed by a planter or maistry in authority over a labourer, who compels any labourer to perform any work knowing that he is at the time unfit to perform such work shall be punishable with fine which may extend to two hundred rupees

Penalty for failure to provide house accommodation, etc

27. (*1*) Any planter who wilfully omits to provide house accommodation, water supply, medical attendance, or sanitary arrangements in accordance with the provisions of this Act or of any rule made thereunder shall be punishable with fine which may extend to five hundred rupees, and the convicting magistrate may order him to comply with such provisions within a reasonable time to be fixed in the order

(*2*) If the planter wilfully omits to comply with the order within the time so fixed, he shall be punishable with fine which may extend to twenty rupees for each day during which the omission continues

Penalty for absence of labourer from work

28. Any labourer who without reasonable grounds absents himself from his work, or neglects or refuses to work, shall in addition to forfeiting his wages for the days during which he has been absent or has neglected or refused to work be liable, on conviction by a magistrate, to pay to his employer a sum not exceeding four annas for each such day, and may also be sentenced to imprisonment for a term not exceeding seven days

Explanation—Ill usage of such labourer or failure of the employer to fulfil any condition of the labour contract is a reasonable ground within the meaning of this section

Issue of process on complaint that labourer has deserted

29. Whenever an employer or a person acting on his behalf complains to a magistrate that a labourer has deserted from the estate upon which such labourer has contracted to work or without reasonable cause has failed to present himself on the estate at the time specified in his contract, such magistrate may, without previously examining the complainant, issue summons for the attendance of such labourer, or a warrant for his arrest, and fix a day for hearing the complaint

Penalty for desertion by labourer

30. (*1*) Every labourer who deserts from an estate upon which he has contracted to work, or without reasonable cause fails to present himself on the estate at the time specified in his contract, shall be punishable with imprisonment for a term which may extend to one month or with fine not exceeding fifty rupees or with both

(2) Out of any sum received on account of the fine levied under this section shall be paid to the employer any money found by the magistrate to be due to him by the labourer.

Compensation for wrongful arrest of labourer.

31. If it appears to the magistrate trying a labourer for deserting from an estate that such labourer was arrested without sufficient cause, such magistrate may impose a fine, not exceeding fifty rupees, on the person at whose instance such labourer was arrested, and the magistrate may award to the labourer out of the fine such compensation as he may deem fit, and may, if he thinks fit, on the application of the labourer, cancel the labour contract of the labourer.

Magistrate may endorse on labourer's contract period of absence from work and of imprisonment.

32. When any labourer is convicted under section 28 or section 30, the magistrate so convicting or sentencing him shall, on application made on behalf of the employer, endorse on the labour contract the period of absence from his work in respect of which such labourer has been convicted or the term of imprisonment, if any, to which he has been sentenced or both, and the period so endorsed shall be added to the term for which the labourer contracted to serve, and such labourer shall not be deemed to have completed his labour contract until he has served for the period so endorsed in addition to the period specified in such contract:

Provisos.

Provided that the additional period so endorsed shall not exceed the unexpired period of his labour contract on the date of the offence:

Provided also that no such endorsement shall be made if more than twelve months have elapsed since the date on which his original labour contract would have determined.

Magistrate may cancel imprisonment if labourer agrees to work.

33. (1) When any maistry has been sentenced to imprisonment for an offence under section 24, or when any labourer has been sentenced to imprisonment for any offence under this Act, the planter with whom such maistry has entered into a contract or the employer of such labourer or any person authorized to act on this behalf for the planter or employer may apply to the magistrate at any time previous to the expiry of such sentence that such maistry or labourer be forthwith made over to him with an order to complete his contract or his labour contract as the case may be.

(2) On such application being made the magistrate may, if the maistry or labourer consent, cancel the remainder of such sentence, and may direct the maistry or labourer to be made over or forwarded to the applicant, together with the order applied for.

Planter to defray expense of making over or forwarding maistry or labourer.

34. Every person who obtains an order of a magistrate under the last preceding section for the making over or forwarding of any maistry or labourer shall be liable to defray the expense (if any) incurred in such making over or forwarding; and shall, before the order is issued, deposit with the magistrate such sum as is in the magistrate's opinion necessary to defray such expense.

Magistrate may order maistry or labourer to

35. On the expiry of any sentence of imprisonment on a maistry or labourer for any offence under this Act the maistry or labourer shall, if the planter or employer so requests, be produced before the magistrate, who shall direct

such maistry or labourer to complete the performance of his contract on pain of further prosecution and punishment in case of his refusal to do so, and no conviction under this Act or imprisonment under such conviction shall have the effect of releasing any maistry or labourer from the terms of his contract, or labour contract, as the case may be complete contract

Provided that no such direction shall be given, in the case of a labourer, if more than twelve months have elapsed since the date on which his original labour contract would have determined Proviso.

36. (*1*) Whoever, knowing that a labourer is bound by his labour contract to labour for any employer, voluntarily entices or attempts to entice the labourer to leave his employer, or harbours or employs any labourer who has, in contravention of the terms of his labour contract, left his employer, shall be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both Penalty for enticement of labourer under labour contract

(2) The convicting magistrate may award to the employer with whom the labourer has contracted the whole or any part of any fine levied under sub-section (*1*)

37. Any employer who without reasonable cause fails within a reasonable time to comply with the provisions of section 11 shall be punishable with fine which may extend to two hundred rupees Penalty for failure to send labourer before magistrate under section 11

38. Whoever abets any offence against this Act shall be punishable with the punishment provided for such offence Penalty for abetment of offence

39. Whoever commits any offence against this Act shall be triable for such offence in any place within the Presidency of Madras in which he may be found or in any other place in which he might be tried under any law for the time being in force Place of trial of offence

40. Notwithstanding anything contained in the Code of Criminal Procedure 1898 [1] offences under sections 24 26, 28, 30 and 36, and the abetment of such offences, may be compounded at the option of the complainant Offences that may be compounded. V of 1898.

41. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act, or the rules made thereunder, or from being liable under any other law to any penalty higher than that provided by this Act for such offence Saving of prosecution under other laws

Provided that no person shall be punished twice for the same offence Proviso.

---

[1] See Gen. Acts, Vol. V.

CHAPTER V.

RULES.

Power to make rules.

42. (*1*) The Local Government may after publication make rules—

(*a*) prescribing the form or forms in which labour contracts shall be made;

(*b*) specifying the particulars which shall be stated in such labour contracts;

(*c*) prescribing the registers of labourers and of other persons employed on the estate and of their dependants which planters shall be bound to keep and the returns which they shall submit;

(*d*) regulating the accommodation, water-supply, sanitary arrangements and medical attendance which planters shall be bound to provide for the labourers;

(*e*) for the guidance of officers appointed under section 45; and

(*f*) generally, for carrying out the purposes of this Act.

Power to fix penalty for breach of ru e.

(*2*) In making any rule under this Act, the Local Government may direct that every breach thereof shall be punishable with fine not exceeding in any case five hundred rupees.

CHAPTER VI.

MISCELLANEOUS.

Recovery of sums due under Act.

43. Any money ordered to be repaid under section 11, or section 23 or any sum awarded under section 21 or section 22, or any sum payable to an employer under section 19 or section 28, may be recovered on application to a magistrate having jurisdiction where the person from whom the money is due is for the time being resident, by the distress and sale of any moveable property belonging to that person which is within the limits of the magistrate's jurisdiction.

Power to direct execution in the Presidency of processes of courts of Native States.

44. The Local Government may, by notification, order that processes issued by the courts, or by any specified courts, in a Native State under any Act for the enforcement of labour contracts in force in such Native State shall subject to such conditions and restrictions as may in such notification be prescribed be executed within the Presidency of Madras as if they were processes issued under this Act.

Power to authorize officer to make inquiry.

45. The Local Government may authorize any officer by name or in virtue of his office to make any inquiry necessary under or for the purposes of this Act, and such officer shall be guided by such rules or special order as the Local Government may prescribe.

MADRAS ACT No I OF 1904[1]

[THE MADRAS STEAM-BOILERS AND PRIME-MOVERS (AMENDMENT) ACT, 1904

[*6th February, 1904, 13th February, 1904*]

An Act to amend the Madras Steam-boilers and Prime movers Act, 1893

Mad Act III of 1893

Preamble. WHEREAS it is expedient to amend the Madras Steam boilers and Prime-movers Act, 1893, It is hereby enacted as follows —

Short title. **1.** This Act may be called the Madras Steam-boilers and Prime movers (Amendment) Act, 1904

Amendment of sub-section (4) of section 1. **2.** To section 1, sub section (4) *the following words shall be added, namely,* or to any boiler or prime mover used in any vehicle or class of vehicles which the Governor in Council may by notification specify

Amendment of sub-section (2) of section 12. **3.** In section 12, sub section (2), *for the words* fourteen days *the words* one calendar month *shall be substituted*

Amendment of sub-section (4) of section 12. **4.** In section 12, sub section (4), *for the words* may if he thinks fit *the word* shall *shall be substituted, and after the words* competent assessors *the following words shall be inserted, namely* with the necessary practical knowledge and experience

---

MADRAS ACT No II OF 1904[2]

[THE MADRAS IMPARTIBLE ESTATES ACT, 1904]

[*8th February, 1904, 1st March 1904*]

An Act to declare that certain estates are impartible and that the proprietors of such estates cannot exercise unrestricted powers of alienation in respect thereof

Preamble. WHEREAS it is expedient to amend the law in regard to the impartibility and inalienability of certain estates, It is hereby enacted as follows —

Short title. **1.** (*1*) This Act may be called the Madras Impartible Estates Act, 1904

Extent. (*2*) It extends to the whole of the Presidency of Madras except the districts of Malabar and South Canara

Mad Act II of 1902. Mad. Act II of 1903.

Repeal. (*3*) On this Act coming into force the Madras Impartible Estates Act, 1902 and the Madras Impartible Estates Act Continuance Act 1903, shall be repealed

---

[1] For the Statement of Objects & Reasons *see F St George Ga*[illegible]*e* 1903, Part IV, p. 236; and for Proceedings in Council *see Ibid* Part IV, p. 364 *Ibid* 1904 Part IV, p. 49

The assent of the Governor General to this Act was published in the *Fort St George Gazette* of the 23rd February 1904

[2] For the Statement of Objects and Reasons *see* [illegible] p. 343; for the Report of the Select [illegible] in Council, *see Ibid* 1903, Pt. IV, p. 3 [illegible]

The assent of the Governor General [illegible] Gazette of the 5th March, 1904

Definitions.

2. In this Act unless there is something repugnant in the subject or context :

"Alienation."

(*1*) "Alienation" includes a temporary transfer such as a mortgage or a lease.

"Impartible estate."

(*2*) "Impartible estate" means an estate descendible to a single heir and subject to the other incidents of impartible estates in Southern India.

"Proprietor of an impartible estate."

(*3*) "Proprietor of an impartible estate" means the person entitled to possession thereof as single heir under the special custom of the family or locality in which the estate is situated or if there be no such family or local custom under the general custom regulating the succession to impartible estates in Southern India.

Estates deemed impartible.

3. The estates included in the Schedule shall be deemed to be impartible estates.

Restriction on alienations of impartible estates.

4. (*1*) The proprietor of an impartible estate shall be incapable of alienating or binding by his debts, such estate or any part thereof beyond his own lifetime unless the alienation shall be made, or the debt incurred, under circumstances which would entitle the managing member of a joint Hindu family, not being the father or grandfather of the other coparceners, to make an alienation of the joint property, or incur a debt, binding on the shares of the other coparceners independently of their consent.

Permissible alienations.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, the proprietor of an impartible estate is hereby expressly authorised—

(*a*) to grant sites for public charitable and public religious institutions ;

(*b*) to grant mining or quarrying leases for terms not exceeding sixty years and leases of the pannai or home farm lands for terms not exceeding fifteen years, provided that every such lease—

(i) shall be by registered deed and shall be made to take effect in possession not later than twelve months after its date ;

(ii) shall reserve the best rent that can reasonably be obtained, regard being had to any money laid out or to be laid out by the lessee for the benefit of the estate, but not to any fine or premium paid or to be paid in consideration of granting such lease ;

(iii) shall contain a covenant by the lessee for payment of rent and a condition of re-entry on the rent not being paid within a time therein specified not exceeding three months ;

(iv) if a mining or quarrying lease, may make the rent ascertainable by or to vary according to the acreage worked, or by or according to the quantities of any mineral or substance gotten, made merchantable, converted, carried away, or disposed of in or from such estate, or any other land, or by or according to any facilities given in that behalf, and may reserve a fixed or minimum rent with or without power for the lessee, in case the rent according to acreage or quantity in any specified period does not produce an amount

Definitions.

2. In this Act unless there is *something* repugnant in the subject or context:

"Alienation."

(*1*) "Alienation" includes a temporary transfer such as a mortgage or a lease.

"Impartible estate."

(*2*) "Impartible estate" means an estate descendible to a single heir and subject to the other incidents of impartible estates in Southern India.

"Proprietor of an impartible estate."

(*3*) "Proprietor of an impartible estate" means the person entitled to possession thereof as single heir under the special custom of the family or locality in which the estate is situated or if there be no such family or local custom under the general custom regulating the succession to impartible estates in Southern India.

Estates deemed impartible.

3. The estates included in the Schedule shall be deemed to be impartible estates.

Restriction on alienations of impartible estates.

4. (*1*) The proprietor of an impartible estate shall be incapable of alienating or binding by his debts, such estate or any part thereof beyond his own lifetime unless the alienation shall be made, or the debt incurred, under circumstances which would entitle the managing member of a joint Hindu family, not being the father or grandfather of the other coparceners, to make an alienation of the joint property, or incur a debt, binding on the shares of the other coparceners independently of their consent.

Permissible alienations.

(*2*) In particular and without prejudice to the generality of the foregoing provisions, the proprietor of an impartible estate is hereby expressly authorised—

(*a*) to grant sites for public charitable and public religious institutions;

(*b*) to grant mining or quarrying leases for terms not exceeding sixty years and leases of the pannai or home farm lands for terms not exceeding fifteen years, provided that every such lease—

(i) shall be by registered deed and shall be made to take effect in possession not later than twelve months after its date;

(ii) shall reserve the best rent that can reasonably be obtained, regard being had to any money laid out or to be laid out by the lessee for the benefit of the estate, but not to any fine or premium paid or to be paid in consideration of granting such lease;

(iii) shall contain a covenant by the lessee for payment of rent and a condition of re-entry on the rent not being paid within a time therein specified not exceeding three months;

(iv) if a mining or quarrying lease, may make the rent ascertainable by or to vary according to the acreage worked, or by or according to the quantities of any mineral or substance gotten, made merchantable, converted, carried away, or disposed of in or from such estate, or any other land, or by or according to any facilities given in that behalf, and may reserve a fixed or minimum rent with or without power for the lessee, in case the rent according to acreage or quantity in any specified period does not produce an amount

equal to the fixed or minimum rent, to make up the deficiency in any subsequent specified period, free of rent other than the fixed or minimum rent

(3) Nothing in this section shall be construed to restrict the power of the owner of an impartible estate to provide for the succession thereto in default of heirs

Exception

5. When the proprietor of an impartible estate proposes to grant any such lease as specified in section 4, sub section (2), clause (*b*), it shall be lawful for such proprietor or the intending lessee to submit a draft of the proposed lease to the Board of Revenue for approval and the Board, if satisfied after making such inquiry and giving such notices as it thinks fit, that the terms of such draft lease are in accordance with the provisions of this Act, may approve thereof and affix its seal thereto in token of approval, and if the proprietor shall thereafter execute the lease in the terms of the draft lease so approved and sealed, such lease shall be deemed to have been duly ganted in accordance with the provisions of this Act

Procedure in regard to grant of certain leases

6. Notwithstanding anything hereinbefore contained, the proprietor of an impartible estate shall be incapable of alienating, or binding by his debts such estate or any part thereof beyond his own lifetime for the payment of land-revenue due to Government, unless he shall have first obtained the consent in writing of the Collector of the district in which the estate is situated Such consent shall not be refused unless in the opinion of the Collector the case is one in which the land-revenue due to Government may be realised by management of the estate under the provisions of the Madras Revenue Recovery Act, 1864 [1]

Conditions of alienations of impartible estates for payment of land revenue due to Government

Mad Act II of 1864

7. This Act shall not affect alienations made or debts incurred before the coming into force of this Act, and shall cease to apply to estates or parts of estates which may hereafter be lawfully alienated otherwise than by temporary transfer

Saving clause

8. (*1*) In computing the period of limitation applicable to suits and legal proceedings other than suits stayed and to appeals barred by the Madras Impartible Estates Act, 1902, the period during which such suits, proceedings or appeals were stayed or barred by the said Act shall be excluded, and all such suits, proceedings and appeals shall be deemed to have been actively prosecuted during such period within the meaning of section 52 of the Transfer of Property Act, 1882 [2]

Computation of period of limitation

Mad Act II of 1902

IV of 1882

(2) If in any suit, proceeding or appeal permitted to proceed by the Madras Impartible Estates Act Continuance Act, 1903, it be finally decided that any estate named in the Schedule attached to this Act is partible, such estate shall be deemed not to have been mentioned in the Schedule

Exclusion of estates declared partible

Mad Act II of 1903

---

[1] Printed *supra*.
[2] General Acts, Vol. III

SCHEDULE.

North Arcot.

1. Kálahasti.
2. Karvotnagar.
3. Punganúru.
4. Kangundi.
5. Bangári Pálaiyam.
6. Naraganti Pálaiyam.
7. Vallivédu and Kámavaram Divisions of Pulichorla Pálaiyam.
8. Gudipáti Pálaiyam.
9. Tumba Pálaiyam.
10. Kallúru Pálaiyam.

[1][11. Arni Jágír.]

South Arcot.

1. Vóttavalam.
2. Kurumba Gounden Jágír.
3. Jadaya Gounden Jágír.
4. Ariya Gounden Jágír.

Chingleput.

1. Kálahasti.

Coimbatore.

1. Úttukuli.
2. Samattúr.
3. Kóttámpatti.
4. Poravipálaiyam.
5. Rámapatnam.
6. Métrátti.
7. Tungávi.
8. Jóttampatti.
9. Védapatti.

Ganjam.

1. Parlákimedi.
2. Dhárákóta.
3. Kallikóta.
4. Pedda Kimedi.
5. Chíkati.
6. Mandasá.
7. Chínna Kimedi.
8. Sérugadá.
9. Humma.
10. Bodogadá.
11. Surangi.
12. Jarada.
13. Budarasingi.
14. Tarlá.
15. Biridi.
16. Pálúru.

Gódávari.

1. Pithápuram.
2. Nidadavólu, Baharzhalli and Ambarapéta.
3. Végayammapéta.
4. Tangellamúdi.
5. Bhadráchalam.
6. Kótipalli in the Vizianagram zamindári.
7. Telikicherla.
8. Vilasa.
9. Janupalle.
10. Jálimúdi.

Kistna.

1. Dévarakóta.
2. Munagála Paraganá.
3. Chintalapáti Vantu.

Madura.

1. Ramnad.
2. Sivaganga.
3. Rettayambádi.
4. Péraiyúr.
5. Sáptúr.
6. Bódináyakkanúr.
7. Gandamanáyakkanúr.
8. Ayakkudi.
9. Idaiyangóttai.
10. Ammayanáyakkanúr.
11. Puliyankulam.
12. Jyótilanáyakkanúr.
13. Uttappanáyakkanúr.
14. Doddappanáyakkanúr.
15. Nadukkóttai.
16. Mélakkóttai.
17. Sandaiyúr.
18. Tévāram.
19. Erasakkanáyakkanúr.
20. Mámbarai.

Nellore.

1. Venkatagiri.
2. Chundi.
3. Mutyálapádu.
4. Kálahasti.

[1] Included by Mad. Act VI of 1909, *infra*.

Salem

1 Shulagiri Palaiyappattu
2 Ankusagiri Pálaiyappattu
3 Periya Kalrayan Nad
4 Chinna Kalráyan Nád
5 Ariya Gounden Jagir

Tanjore

1 Gandarvakóttai
2 Kallákottai
3 Kónur
4 Sillattur
5 Pálayavanam
6 Páppanádu
7 Singavanam
8 Madukkur
9 Neduvásal
10 Séndangudi
11 Attivetti

Tinnevelly

1 Ettiyapuram
2 Sivagiri
3 Séttur
4 Urkkádu
5 Singampatti
6 Úttumalai
7 Maniyáchi
8 Kadambur

Tinnevelly—contd

9 Attankarai
10 Naduvakkurichchi Minor Division.
11 Talaivankóttai
12 Alagápuri
13 Mannárkóttai
14 Sennalkudi and Kadambankulam.
15 Kollapatti
16 Kollankondan
17 Avudaiyapuram

Trichinopoly

1 Marungapuri
2 Kadavur
3 Turaiyur
4 Udaiyarpalaiyam

Vizagapatam

1 Vizianagram
2 Bobbili
3 Sáluru
4 Mádugula
5 Jeypore
6 Kurupám
7 Sangamvalasa
8 Kasipuram
9 Páchipenta
10 Andra
11 Saripalli Bhimavaram

MADRAS ACT No III of 1904

THE MADRAS CITY MUNICIPAL ACT, 1904.

SUMMARY OF CONTENTS

PART II.

CONSTITUTION AND GOVERNMENT.

CHAPTER II.

CHAPTER III.

CHAPTER IV.

CHAPTER V.

PART III.

FINANCE.

CHAPTER VI.

CHAPTER VII.

CHAPTER VIII.

CHAPTER IX.

PART IV.

TAXATION.

CHAPTER X.

CHAPTER XI.

CHAPTER XII.

CHAPTER XIII.

CHAPTER XIV.

CHAPTER XV.

CHAPTER XVI.

CHAPTER XVII.

CHAPTER XVIII.

CHAPTER XIX.

PART V.

PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER XX.

SECTIONS.

192–207. Water-supply.

CHAPTER XXI.

208–227. Drains, Latrines and Urinals.

CHAPTER XXII.

228–259. Streets.

CHAPTER XXIII.

260–289. Building Regulations.

CHAPTER XXIV.

290–291. Lighting.

CHAPTER XXV.

292–300. Sanitation.

CHAPTER XXVI.

301–311. Inspection and Regulation of Places.

CHAPTER XXVII.

312–317. Keeping of Animals.

CHAPTER XXVIII.

318, 319. Public Bathing and Washing.

CHAPTER XXIX.

320–330. Factories and Trades.

THE MADRAS CITY MUNICIPAL ACT, 1904.

TABLE OF CONTENTS.

PART II.

CONSTITUTION AND GOVERNMENT.

CHAPTER II

MUNICIPAL AUTHORITIES

The Corporation

SECTIONS

4 Constitution of Corporation
5 Election and appointment of Commissioners
6 Term of office of Commissioners appointed under Act of 1884
7 Property vested in Corporation

The Standing Committee

8 Constitution of Standing Committee

Executive Officers

The President

9 Appointment and removal of President
10 Salary and allowances of President
11 Restriction of occupation of President

The Revenue Officer the Health Officer and the Engineer

12 (1) Appointment of Revenue and Health Officers and Engineer
(2) Their salaries and allowances
(3) Contribution for leave allowances and pension
(4) Removal and restriction of occupation

Special Sanitary Officer

13 Appointment of Special Sanitary Officer
14 His salary and allowances

Functions of the several Municipal Authorities

15 Respective functions of Municipal authorities

Duties and Powers of the Corporation

16 General duties and powers

THE MADRAS CITY MUNICIPAL ACT, 1904.

TABLE OF CONTENTS.

PART II.

CONSTITUTION AND GOVERNMENT.

CHAPTER II

MUNICIPAL AUTHORITIES

The Corporation

SECTIONS

4 Constitution of Corporation
5. Election and appointment of Commissioners
6 Term of office of Commissioners appointed under Act of 1884.
7. Property vested in Corporation

The Standing Committee

8 Constitution of Standing Committee.

Executive Officers.

The President

9. Appointment and removal of President.
10 Salary and allowances of President
11 Restriction of occupation of President

The Revenue Officer, the Health Officer and the Engineer

12 (1) Appointment of Revenue and Health Officers and Engineer
(2) Their salaries and allowances
(3) Contribution for leave allowances and pension
(4) Removal and restriction of occupation

Special Sanitary Officer

13 Appointment of Special Sanitary Officer
14 His salary and allowances

Functions of the several Municipal Authorities

15 Respective functions of Municipal authorities

Duties and Powers of the Corporation

16 General duties and powers

CHAPTER III.

ELECTION AND APPOINTMENT OF COMMISSIONERS.

Qualifications for Election or Appointment as Commissioner

SECTIONS

33 Qualifications for election as Commissioner
34 Disqualifications for election or appointment as Commissioner
35 Prohibition against Commissioner's voting when interested

Resignation of Commissioners

36 Power of Commissioner to resign

Divisions

37 Divisions of the City

Elections

38 Representation of every division
39 Election by ballot
40 Minimum number of votes for election
41. Payment of expenses of election from Municipal fund
42 Appointment by Local Government in default of election
43 Election of same person for more divisions than one
44. Procedure in case of equality of votes
45 Corrupt practices at elections
46 Preparation and publication of lists of qualified persons
47. Ineligibility of persons not in lists
48 Method of publication of lists
49. Procedure in case of omission of name from lists
50 Making of an order by Magistrate
51 Finality of Magistrate's order
52 Conclusiveness of lists and sale thereof to public
53 Temporary appointment by Local Government

Removal of Commissioners

54. Disqualifications for continuing to be a Commissioner.
55 Cessation of Commissionership and cases where restoration to office is permissible

Term of Office of Commissioners

56 Term of office of Commissioner
57 Filling up of vacancy

CHAPTER IV.

MUNICIPAL OFFICERS AND SERVANTS

Appointment

58. Appointment and punishment of subordinate officers and servants.
59 Appeal against dismissal.

Leave of Absence.

Miscellaneous.

CHAPTER V.

CONDUCT OF BUSINESS.

Contracts and Seal of the Corporation.

Municipal Office.

Municipal Records.

Meetings of the Corporation.

Transaction of Business by the Corporation.

CHAPTER VII.

BUDGET.

SECTIONS.

CHAPTER VIII.

LOANS.

CHAPTER IX.

ACCOUNTS.

PART IV.

TAXATION.

CHAPTER X

TAXES

Taxes and Tolls

CHAPTER XI

TAX ON PROFESSIONS AND CALLINGS

CHAPTER XII

TAX ON BUILDINGS AND LANDS

SECTIONS

151 Exemptions
152 Compositions
153 Requisition on occupier to furnish statement of persons liable to tax
154 Signature of statement by occupier
155 Recovery of tax
156. (1) Grant of license on payment of tax
(2) Production of license for inspection
157 Obligation of Commissioner of Police to satisfy himself of payment of Municipal tax on hackney carriage before registering it

---

CHAPTER XVI

TAX ON CARTS

158 (1) Registration of vehicles
(2) Fee for registration
(3) Affixing of number to vehicle
(4) Notification of days of registration
159 Exemptions
160 Exemption from registration when vehicle possessed for limited period
161 (1) Entry of registration in book
(2) Inspection of register
162 Seizure of unregistered vehicle
163 Procedure after seizure

CHAPTER XVII

TOLLS ON VEHICLES AND ANIMALS

164 Levy of tolls
165 Construction of toll bars and farming out of tolls
166 Clearance for twenty four hours by single payment
167 Procedure on non payment of toll
168 Exemptions
169 Compositions
170 Unlawful collection of tolls.
171 Table of tolls

CHAPTER XVIII.

REVISION.

CHAPTER XIX.

COLLECTION OF TAXES.

PART V.

PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER XX.

WATER-SUPPLY.

Powers and Duties of Municipal Authorities in respect of Supply of Water.

SECTIONS

193 Supply of water for domestic purposes
194 Supply of water for other than domestic purposes
195 Obligation of owner or occupier to give notice of waste of water
196 Cutting off of supply to premises
197 Fencing of supply channel
198 Trespass on land where conduit runs or premises connected with supply
199 Procedure if name and address of trespasser unknown
200 Construction of water works
201 Vesting of water works in Corporation
202 Powers of Corporation in executing works without City
203 Jurisdiction of Magistrate without City in respect of such works
204 Power of President in respect of laying pipes
205 Notice and compensation to owner of property affected
206 Prohibition against damage to works
207 Prohibition against opening or removal of lock, cock or pipe

---

CHAPTER XXI

DRAINS, LATRINES AND URINALS

Drainage

208 Maintenance of system of drainage by Corporation
209 Vesting of drains in Corporation
210 Requisition to raise or lower level of railway line
211 Application of sections 202 to 206 to drainage works
212 Power of President to improve drains
213 Disposal of sewage
214 Right of owner or occupier to empty his house drain into Municipal drain
215 Unauthorized connection with Municipal drain
216 Unauthorized construction of buildings over public drains
217 Construction of culverts by owner or occupier
218 Power of President to enforce construction of house drains
219 Connection between house drains
220 Draining of buildings by combined operation
221 Maintenance of troughs and pipes for catching water

Public Latrines and Urinals

222 Provision of public latrines and urinals
223 Licensing of public latrines and urinals

Latrines and Urinals.

CHAPTER XXII.

STREETS.

Vesting of Streets in the Corporation.

Construction, Maintenance, Repair and Protection of Public Streets.

Private Streets.

Projections and Obstructions in Streets.

CHAPTER XXIII

BUILDING REGULATIONS

CHAPTER XXIV.

LIGHTING.

CHAPTER XXV.

SANITATION.

SECTIONS.

powers of control over stables, cattle-sheds and cow-houses.

315. General the direct discontinuance of use of building as a stable,

316. Power to shed or cow-house.

catt of carcasses of dead animals.

317. Removal

CHAPTER XXVIII.

PUBLIC BATHING AND WASHING.

n of places for bathing and for washing animals.

318. Provision against contaminating water-supply.

319. Prohibit

CHAPTER XXIX.

FACTORIES AND TRADES.

Dangerous or Offensive Trades.

ition against fouling of water in carrying on trade or manu-

320. Prohibure.

fact nation of works connected with trade or manufacture.

321. Exami e for using place for dangerous or offensive trades or dangerous

322. Licens poses.

pur ful use of such place.

323. Unlaw ition against erection of smoke-producing or dangerous machi-

324. Prohib y.

ner

Timber Depôts.

se for depôts of combustibles.

325. Licen utions against fire.

326. Preca ition against importation of timber or firewood without license.

327. Prohil

Bake-houses, etc.

se for bake-houses or manufactories of ice or aërated waters.

328. Licer

Washing.

ision of public wash-houses.

329. Prohibition against washing by washermen at unauthorized places.

330. Prol

CHAPTER XXX.

SLAUGHTER-HOUSES AND MARKETS.

Slaughter-houses.

SECTIONS.

331. Provision of Municipal slaughter-houses.
332. License for slaughter-houses.
333. Slaughter of animals during festivals and ceremonies.
334. Slaughter of animals for sale or food.
335. Slaughter of animals for religious ceremony.

Markets.

Public Markets.

336. Public markets.
337. Provision of public markets.
338. Acquisition of land for public markets.
339. Building and maintenance of markets on such land.
340. *Expulsion from markets of persons disobeying by-laws or regulations.*
341. Power to close public markets.
342. Sale in public market without license.

Private Markets.

343. License for new private markets.
344. License to keep open private markets.
345. Publication of notice of refusal or withholding of license.
346. Sale in unlicensed private market.
347. Powers of President in respect of private markets.
348. Suspension or refusal of license in default.

Market Regulations.

349. Power of President to make regulations for markets, bazaars, slaughter-houses and places set apart for sacrifice of animals.
350. Butcher's license.

Sale of Articles in Streets.

351. Prohibition against sale of articles in public streets.

CHAPTER XXXI.

FOOD AND DRUGS.

CHAPTER XXXII.

RESTRAINT OF INFECTION.

CHAPTER XXXIII.

VACCINATION.

CHAPTER XXXIV

Registration of Births and Deaths

CHAPTER XXXV

Disposal of the Dead

CHAPTER XXXVI

Census

SECTIONS.

401. Obligation on certain persons to act as enumerators.
402. Filling up of forms by occupiers of dwelling-places.
403. Returns of homeless persons and persons not otherwise enumerated.

PART VI.

CHAPTER XXXVII.

RAILWAYS.

404. Powers of Corporation as to construction and working of railways.
405. Powers of lessee of railway.

PART VII.

CHAPTER XXXVIII.

ACQUISITION AND DISPOSAL OF BUILDINGS AND LANDS.

406. Powers of Corporation to acquire and dispose of buildings and lands.
407. Application of Land Acquisition Act.
408. (1) Payment for unauthorized occupation of lands.
(2) Collection and recovery of such payment.

PART VIII.

CHAPTER XXXIX.

BY-LAWS AND RULES.

By-Laws.

409. Power of Corporation to make by-laws.
410. Penalty for breaches of by-laws.
411. Confirmation of by-laws by Local Government.
412. Conditions precedent to making of by-laws.

Rules

SECTIONS.

413. Power of Local Government to make rules.
414. Making of rules after previous publication.

Publication of By laws and Rules.

415. Publication of by-laws or rules
416. Printing and sale of by-laws and rules.
417. Publication of penalties
418 Exhibition of by-laws and rules

Cancellation of By-laws and Rules.

419. Power of Local Government to cancel by laws or rules

PART IX.

CHAPTER XL.

PENALTIES

420. Penalties for certain offences
421. Penalties for continuing breaches
422. Penalty for acquisition by Municipal officer of interest in contract or work.
423 Penalty for omission to take out license for vehicle or animal
424. Penalty for unlawful building
425. (1) Notice to scavengers before discharge
    (2) Penalty for withdrawal of scavengers without notice
    (3) Application of sub sections (*1*) and (*2*) to other Municipal servants.

PART X.

CHAPTER XLI.

PROCEDURE AND MISCELLANEOUS.

Licenses and Permissions.

426. Duration, conditions, signature, suspension, revocation and production of licenses and permissions.

Appeals.

SECTIONS.

427. Appeals from President to Standing Committee.
428. Limitation of time for appeal.

President's Power to summon.

429. Summons to attend and give evidence or produce documents.

Procedure.

430. Form of notices and permissions.
431. Proof of consent of Municipal authorities or Municipal officer.
432. Signature on documents.
433. Publication of notices.
434. Publication in newspapers.

Service of Notice on Owner or Occupier.

435. Method of serving documents on owner or occupier.

Service of Notice on Persons other than Owners or Occupiers.

436. Method of serving documents on persons other than owners or occupiers.

Relation of Occupier to Owner.

437. Recovery by occupier, of sum leviable from owner.
438. Obstruction of owner by occupier.
439. Execution of work by occupier in default of owner.

President's Powers of Entry.

440. Power of entry to inspect, survey or execute work.
441. Power of entry on lands adjacent to works.

President's Power to Execute in Default.

442. Time for complying with order and power to enforce in default.
443. Recovery of expenses from persons liable and limitation on liability of occupier.
444. Relief to agents and trustees.

PART XI.

CHAPTER XLII.

PROVISIONS AS TO BUILDINGS AND LANDS ON THE ESPLANADE.

SCHEDULES.

MADRAS ACT No III OF 1904 [1]

[THE MADRAS CITY MUNICIPAL ACT, 1904]

2nd August, 1904, 12th September, 1904]

An Act to consolidate and amend the law relating to the Municipal affairs of the City of Madras

WHEREAS it is expedient to consolidate and amend the law relating to the Municipal affairs of the City of Madras, It is hereby enacted as follows — Preamble

PART I.

CHAPTER I

PRELIMINARY

1. (*1*) This Act may be called the Madras City Municipal Act, 1904 Title, extent and commencement

(*2*) Except as hereinafter expressly provided it extends only to the City of Madras

(*3*) It shall come into force on such date as the Local Government may by notification direct [2]

Provided that any power to make rules conferred on the Local Government by this Act may be exercised at any time after the publication of the Act under section 40 of the Indian Councils Act, 1861[3], and that any election or appointment of Commissioners or Members of the Standing Committee under this Act or under the rules made thereunder may be held or made at any time after the publication of the Act under section 40 of the Indian Councils Act, 1861[3], but no such election or appointment shall take effect until the commencement of the Act

2. The enactments mentioned in Schedule I are repealed to the extent specified in the fourth column thereof Repeal of enactments

3. In this Act, unless there is anything repugnant in the subject or context— Definitions

(*1*) "Bakehouse" means any place used for baking bread biscuits or confectionery, from the baking or selling of which profit is sought Bake house

(*2*) "Budget" means the budget specified in section 91 'Budget'

(*3*) "Building" includes a wall and means any house, hut, shed, or roofed enclosure, whether used for the purpose of human habitation or otherwise 'Building'

\ vim
ı Mar h
'art IV,

ification,
-r 1904,

"Building-line." (*4*) "Building-line" means a line which is in rear of the street-alignment as defined in this section, and to which the main wall of a building abutting on a street may lawfully extend.

"The City." (*5*) "The City" means the City of Madras as defined in this section.

"The City of Madras." (*6*) "The City of Madras" means such area as may be declared by the Local Government by notification to be the City of Madras.

"Dangerous disease." (*7*) "Dangerous disease" includes—

(*a*) cholera, plague, small-pox, diphtheria, enteric fever and typhoid fever; and

(*b*) any other epidemic, endemic or infectious disease which the Local Government may by notification declare to be a dangerous disease for the purposes of this Act.

"Dangerous trades." (*8*) "Dangerous trades" includes those trades specified as dangerous in Schedule II, and any other trades which the Local Government may by notification declare to be dangerous trades for the purposes of this Act.

"Division." (*9*) "Division" means one of the divisions specified in section 37.

"Divisional Commissioner." (*10*) "Divisional Commissioner" means a Commissioner elected at a Divisional election.

"Drain." (*11*) "Drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water or sub-soil water.

"The Engineer." (*12*) "The Engineer" means the Engineer appointed under [[1]sub-section (1) of] section 12.

"The Health Officer." (*13*) "The Health Officer" means the Health Officer appointed under section 12.

"Horse." (*14*) "Horse" includes pony and mule.

"House-drain." (*15*) "House-drain" means any drain of, and used for the drainage of, one or more buildings or premises, and made merely for the purpose of communicating therefrom with a public drain.

"Market." (*16*) "Market" includes any place where persons may periodically assemble for the sale of meat, fish, fruit, vegetables, or live-stock or of edible produce of live-stock.

"Municipal fund." (*17*) "Municipal fund" means the fund specified in section 87.

"Municipal office." (*18*) "Municipal office" means the office specified in section 70.

"Nuisance." (*19*) "Nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing, or which is or may be dangerous to life or injurious to health or property.]

---

[1] Inserted by Mad. Act. IV of 1907, s. 3, *infra*.

(20) "Occupier" includes any person for the time being paying, or liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which the word is used "Occupier"

(21) "Offensive matter" means dung, dirt, putrid or putrifying substances, and filth of any kind which is not included in "sewage" as defined *in this section* "Offensive matter"

(22) "Offensive trades" includes those trades specified as offensive in Schedule II and any other trades which the Local Government may by notification declare to be offensive trades for the purposes of this Act "Offensive trades"

(23) "Owner" includes the person for the time being receiving or entitled to receive whether on his own account or as agent or trustee for another person the rent or profits of the property, or in charge of the animal or vehicle in connection with which the word is used "Owner"

(24) "Populous parts of the City" means such parts as the Local Government may, on the recommendation of the Standing Committee, declare to be populous "Populous parts of the City"

(25) "The President" means the Officer appointed under section 9 "The President"

(26) "Private street" means any street, road, square, court, alley, passage or riding-path which is not a "Public street" as defined in this section, but does not include a pathway made by the owner of a building on his own land *to secure access to, or the convenient use of, such building* "Private street"

(27) "Public street" means any street, road, square, court, alley, passage or riding path, whether a thoroughfare or not, over which the public have a right of way, and includes— "Public street"

(a) the roadway over any public bridge or causeway,

(b) the footway attached to any such street, public bridge or causeway, and

(c) the drains attached to any such street, public bridge or causeway, and the land, whether covered or not by any pavement, verandah or other erection, which lies on either side of the roadway up to the boundaries of the adjacent *property, whether that property is private* property, or property reserved by Government for other purposes

(28) "Railway" includes a tramway "Railway"

(29) The expression "Re-construction," when used with reference to a building, includes — "Re construction"

(a) the re construction of a building after *more than one-half* its cubical extent has been taken down or burnt down or has fallen down,

(b) the conversion of one or more huts or temporary structures into a masonry building, and

(c) the conversion into a place for human habitation of any building not originally constructed for human habitation

Explanation —Clause (a) applies whether the reconstruction takes place (after the commencement of this Act) entirely at the same time or by instal-

ments at different times, and whether more than half the cubical extent has (after the commencement of this Act) been taken down or burnt down, or has fallen down, at the same time or at different times.

"Residence." (*30*) "Residence" means a dwelling used for day and night occupation, whether such occupation is continuous or not.

"The Revenue Officer." (*31*) "The Revenue Officer" means the Revenue Officer appointed under section 12.

"Rubbish." (*32*) "Rubbish" means dust, ashes, broken bricks, mortar, broken glass, kitchen or stable refuse, and refuse of any kind which is not offensive matter or sewage as defined in this section.

"Salary." (*33*) "Salary" means pay and acting pay, or payment by way of commission, and includes exchange compensation, but not allowances for house-rent, carriage hire, or travelling expenses.

"Sewage." (*34*) "Sewage" means night-soil and other contents of latrines, urinals, cess-pools, or drains.

"Slaughter-house." (*35*) "Slaughter-house" means any place used for the slaughter of cattle, sheep, goats, or pigs, for the purpose of selling the flesh thereof as meat.

"Standing Committee." (*36*) "Standing Committee" means the Committee specified in section 8.

"Street-alignment." (*37*) "Street-alignment" means a line dividing the land comprised in, and forming part of, a street from the adjoining land.

"Year." (*38*) "Year" means the financial year.

PART II.

CONSTITUTION AND GOVERNMENT.

CHAPTER II.

MUNICIPAL AUTHORITIES.

The Corporation.

Constitution of Corporation.

4. (*1*) The Municipal affairs of the City of Madras shall be administered in accordance with the provisions of this Act by a President who shall be *ex-officio* a Commissioner and by thirty-six other Commissioners, who shall be elected or appointed in the manner hereinafter provided.

(*2*) The said President and Commissioners shall by the name of the "Corporation of Madras" be a body corporate and have perpetual succession and a common seal, and may by such name sue and be sued.

Election and appointment of Commissioners.

5. (*1*) Twenty of the said Commissioners shall be elected at Divisional elections.

(2) The remaining Commissioners shall be appointed as follows, namely —

(a) three by the Madras Chamber of Commerce,

(b) three by the Madras Trades Association,

(c) two by such other associations corporate bodies or classes of persons as the Local Government may by notification direct, and

(d) eight by the Local Government

Mad. Act I of 1884

(3) In case of failure to make any appointment under sub clauses (a), (b), or (c) of sub section (2), the Local Government shall make the appointment

Term of office of Commissioners appointed under Act I of 1884

6. Every Commissioner appointed under the provisions of the City of Madras Municipal Act 1884[1], shall, unless re elected or re appointed under this Act, cease to be a Commissioner on and from the date specified in the notification to be issued under sub section (3) to section 1

Property vested in Corporation

7 All property, movable and immovable, and all interests of whatsoever nature or kind therein, now vested in or held in trust for the Municipal Commissioners for the City of Madras with all rights of whatsoever description now used, enjoyed or possessed by the said Commissioners, shall be vested in the Corporation

The Standing Committee

Constitution of Standing Committee

8. (1) The Standing Committee shall consist of eight Members and the President who shall be President of the Committee

(2) The eight Members of the Standing Committee shall be Commissioners and shall be elected by the Corporation, provided that four shall be Divisional Commissioners, two shall be Commissioners appointed under clauses (a), (b) and (c) of sub section (2) or under sub section (3) of section 5, and two shall be Commissioners appointed by the Local Government under clause (d) of sub section (2) of the same section

(3) Every election of a Commissioner to be a Member of the Standing Committee shall have effect for a period of one year

Provided that if any Commissioner so elected does not accept office as such Member, or dies, resigns or becomes disqualified to act or incapable of acting as such Member before the expiration of the prescribed period, the vacancy shall be filled up, as soon as conveniently may be, by making a new election under sub-section (2), and any Commissioner so newly elected shall be a Member of the Committee for the period during which such first mentioned Commissioner would have been or remained a Member

EXECUTIVE OFFICERS

The President

Appointment and removal of President.

9. (1) The President shall be appointed by the Local Government

[1] Repealed by this Act, s. 2 and Schedule I.

(2) The President may be removed from office by the Local Government, and shall be so removed if his removal is recommended by a resolution in favour of which not less than twenty-eight Commissioners have voted at a special meeting.

Salary and allowances of President.

10. The President shall receive out of the Municipal fund such salary and allowances as may be fixed by the Local Government, and shall be entitled to pension or gratuity in accordance with such rules as the Local Government may prescribe.

Restriction of occupation of President.

11. The President shall devote his whole time and attention to the duties of his office, and shall not engage in any other profession, trade or business whatever :

Provided that—

(*a*) any Civil or Military Officer in the service of the Government may hold the office of President so long as he does not fill any other appointment than the said office ;

(*b*) the President may—

(i) hold the office of a Trustee under the Madras Harbour Trust Act, 1885,[1] Mad. of 1

(ii) be a Member of the Council of the Governor of Fort St. George for making Laws and Regulations,

(iii) with the sanction of the Standing Committee, hold the office of Chairman of any public institution or any other honorary office.

(*c*) This section shall not apply to any person appointed to act as President during the absence of the permanent holder of the office for any period not exceeding three months.

The Revenue Officer, the Health Officer and the Engineer.

Appointment of Revenue and Health Officers and Engineer.

12. (*1*) The Local Government shall appoint three persons to be officers of the Corporation to be severally styled the Revenue Officer, the Health Officer and the Engineer.

Their salaries and lowances.

(*2*) The said officers shall receive such salaries and allowances out of the Municipal fund as may be fixed by the Local Government, and shall be entitled to pension or gratuity in accordance with such rules as the Local Government may prescribe :

Provided that, unless with the consent of the Corporation, the salary of the Revenue Officer shall not be more than seven hundred rupees per mensem, and that the salaries of the Health Officer and the Engineer shall not be more than one thousand rupees each per mensem :

[2] [Provided further that the Local Government may also appoint a special Engineer or special Engineers, for such period and on such monthly salary payable out of Municipal funds as may, with the consent of the Corporation

---

[1] *See* now the Madras Port Trust Act, 1905 (Mad. Act, III of 1905), *infra*.

[2] The second proviso and explanation were inserted by Mad. Act, IV of 1907, s. 2 *infra*.

be fixed by them, for the supervision or execution of any special scheme of an engineering character undertaken by the Corporation, and may with the like consent extend such period or enhance such salary

Explanation —The provisions of this sub section and of the next sub-section (3) will apply to a special Engineer appointed under this proviso, but if he is not an officer in the service of Government, he will not be entitled under this sub section to any pension or gratuity payable out of Municipal funds]

Contribution for leave allowances and pension

(3) If the said officers are officers of the Government, the Corporation shall pay from the Municipal fund for leave allowances and pension such contribution as the Local Government may determine

Removal and restriction of occupation

(4) The provisions of sub section (2) of section 9 and section 11 regarding removal from and conduct in office shall apply to the officers appointed under this section

Special Sanitary Officer

Appointment of Special Sanitary Officer

13. The Local Government may, in the event of any unusual mortality or the prevalence of any dangerous disease within the City, appoint temporarily a Special Sanitary Officer for investigating the causes thereof and advising as to the measures to be taken for the abatement or removal of such mortality or disease

His salary and allowances

14. The said officer shall receive such salary and allowances and for such time as the Local Government may fix

Provided that the Corporation shall not be bound to pay more than five hundred rupees per mensem on account thereof

Functions of the several Municipal Authorities

Respective functions of Municipal authorities

15. (1) The respective functions of the several Municipal authorities shall be such as are specifically prescribed by or under this Act.

(2) If any doubt arises as to the Municipal authority to which any particular function pertains, the President shall refer the matter to the Local Government, whose decision shall be final

Duties and Powers of the Corporation

General duties and powers

16. (1) In addition to the duties and powers conferred or imposed on them by or under this Act or any other Act for the time being in force, it shall be the duty of the Corporation to—

(a) consider all periodical statements of receipts and disbursements and all progress reports, and pass such resolutions thereon as they think fit,

(b) express an opinion on all matters referred for consideration by the Local Government, and

(c) call attention to any neglect in the execution of Municipal work, to any waste of Municipal property, to the wants of any locality as

noticed personally by any Commissioner or made known to him by the inhabitants and to suggest any improvements which may appear desirable.

(2) Every Commissioner shall have the right to interpellate the President on matters connected with the Municipal administration subject to such rules as may from time to time be framed by the Corporation with the approval of the Governor in Council.

Duties and Powers of the Standing Committee.

General duties and powers.

17. In addition to the duties and powers conferred or imposed on them by or under this Act or any other Act for the time being in force the Standing Committee shall—

(*a*) supervise the appropriation of the budget grants with reference to the progress report of work done and expenditure ;

(*b*) dispose of all applications for pensions and gratuities ;

(*c*) assist the President in acquiring and disposing of buildings and lands; and

(*d*) write off such sums due to the Corporation as appear to the Standing Committee to be irrecoverable.

Inspection of accounts.

18. (*1*) The Standing Committee shall have access to all the accounts of the Corporation, and may require the President to furnish any explanation which they consider to be necessary as to the receipts and disbursements of the Municipal fund.

Monthly audit of receipts and disbursements.

(*2*) The Standing Committee may conduct a monthly audit of the Municipal accounts, and shall be bound to check the monthly abstract of the receipts and disbursements for the preceding month as furnished by the President.

Power to authorize President to take action.

19. (*1*) In any case in which it is provided by or under this Act that the President may take action subject to the approval, sanction, consent or concurrence of the Standing Committee, such Committee may, by resolution in writing, authorize him to take such action in anticipation of their approval, sanction, consent or concurrence, as the case may be, subject to such conditions (if any) as may be specified in such resolution.

President to inform Committee of action taken.

(*2*) Whenever the President, in pursuance of any such resolution, takes any action in anticipation of the approval, sanction, consent or concurrence of the Standing Committee, he shall forthwith inform the Committee of the fact.

Duties and Powers of the President.

General duties and powers.

20. Subject, whenever it is hereinafter expressly so directed, to the sanction of the Corporation or the Standing Committee as the case may be, and subject to all other restrictions, limitations and conditions hereinafter imposed, the entire executive power for the purposes of carrying out the provisions of this Act shall be vested in the President, who shall also—

(*a*) perform all the duties and exercise any powers specifically imposed or conferred on him ;

(*b*) prescribe the duties of all Municipal officers and servants and exercise supervision and control over their acts and proceedings, and, subject to any special provisions in this Act, dispose of all questions relating to their service, pay, privileges and allowances

21. The President may, in cases of emergency, direct the execution of any work or the doing of any act which the Corporation or the Standing Committee are empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act incurred as the emergency may require shall be paid from the Municipal fund: Powers in emergencies.

Provided that he shall report forthwith the action taken under this section, and the reasons therefor, to the Standing Committee and to the Corporation

22. The President may, on his own responsibility and by an order, authorize any Commissioner, or the Revenue Officer, or the Health Officer or the Engineer, to exercise any of the powers specified in the last preceding section Delegation *of powers* to certain officers

23. (*1*) The President may, subject to the provisions of section 22, delegate to any Municipal officer any of the powers, duties, or functions conferred on him by this Act or any rule, by law or regulation made thereunder except those conferred or imposed upon, or vested in him by the following sections or sub sections of this Act namely — Delegation of powers, duties, functions to any Municipal officer.

Section 44	Section 310
Section 74, sub section (*1*)	Section 314
Section 78	Section 315
Section 80	Section 316
Section 85	Section 321
Section 90	Section 322
Section 91	Section 324
Section 95	Section 325
Section 96	Section 328
Section 172	Section 329
Section 215	Section 330
Section 218	Section 347
Section 221	Section 349
Section 239	Section 350
Section 240	Section 353
Section 242	Section 355
Section 244	Section 365
Section 287, sub section (*1*) *and sub section (3)*	Section 391
Section 293	Section 342
Section 301	Section 442
	Section 445
	Section 451

Provided as follows —

(*a*) The President shall not delegate his power under section 58, sub-section (*1*), to make appointments to offices carrying a salary of more than fifty rupees per mensem ,

(*b*) the President shall not delegate to any Municipal officer his power under section 58, sub section (*3*), to fine, reduce, suspend, or dis-

miss any employé, or his power under section 63 to grant leave of absence to any employé, unless such employé, was appointed by such officer by virtue of a delegation of the President's powers of appointment conferred by section 58 ;

(*c*) the President shall not delegate his power under section 66, sub-section (*2*), to make on behalf of the Corporation any contract involving an expenditure exceeding one thousand rupees ;

(*d*) when the President delegates under this section any power conferred upon him by this Act of entering premises between sunset and sunrise the delegation shall be made by order in writing specifying the name and official designation of the officer delegated ;

(*e*) when the President delegates under this section any power or duty which is exercisable or is required to be performed subject to the approval of the Standing Committee or the Corporation, the delegation shall be made by order in writing and the President shall send a copy of such order to the Standing Committee, or the Corporation as the case may be.

(*2*) The exercise or discharge by any Municipal officer of any powers, duties or functions delegated to him under sub-section (*1*) shall be subject to such conditions and limitations (if any) as may be prescribed by order of the President and also to control and revision by the President.

Powers of the Local Government.

Power to depute officers to make inspection or examination and report.

24. (*1*) The Local Government may, on receipt of any information, depute any officer or officers to make an inspection or examination of any department office, service, work or thing under the control of any Municipal authority, and to report to them the result of such inspection or examination.

(*2*) Any officer so deputed may, for the purpose of making such inspection or examination, inspect the condition of any part of Madras, and may require the President—

(*a*) to produce any record, correspondence, plan or other document which is in his possession or under his control as President, or which is recorded or filed in his office or in the office of any Municipal officer or servant,

(*b*) to furnish any return plan, estimate, statement, account or statistics, or

(*c*) to furnish a report by himself, or to obtain a report from any head of a department subordinate to him and furnish the same with his own remarks thereon.

(*3*) Every requisition made under sub-section (*2*) shall be complied with by the President without unreasonable delay.

25. If, on receipt of any report submitted under the last preceding section or of any document furnished under section 29, the Local Government are of opinion— Power to require Municipal authority to take action.

(*a*) that any of the duties imposed on any Municipal authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(*b*) that adequate financial provision has not been made for the performance of any such duty,

the Local Government may, by an order, direct the Municipal authorities, or any of them, within a period to be specified in the order, to make arrangements to their satisfaction for the proper performance of the duties referred to in clause (*a*), or to make financial provision to their satisfaction for the performance of any such duty, as the case may be.

Provided that, unless in the opinion of the Local Government the immediate execution of such order is necessary, the Local Government shall, before making an order under this section, give the Corporation an opportunity of showing cause why such order should not be made

26. (*1*) If, within the period fixed by any order issued under the last preceding section, any action directed under that section has not been duly taken, the Local Government may, by order,— Procedure where Municipal authority fails to take action.

(*a*) appoint some person to take the action so directed,

(*b*) fix the remuneration to be paid to him, and

(*c*) direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal fund, and, if necessary, that any one or more of the taxes authorized by Part IV shall be levied or increased, but not so as to exceed any maximum prescribed by that Part

(*2*) The person appointed under sub section (*1*) may, for the purpose of taking the action directed as aforesaid, exercise any of the powers conferred on any Municipal authority by or under this Act which are specified in this behalf in the order issued under sub section(*1*)

27. (*1*) The Local Government may, in addition to, or instead of, directing under the last preceding section the levy or increase of any taxes, direct by notification, that any sum of money which may in their opinion be required for giving effect to any order issued under that section be borrowed by way of debenture on the security of all or any of the said taxes at such rate of interest and upon such terms as to the time of repayment and otherwise as may be specified in the notification Raising of loan under orders of Local Government

(*2*) The provisions of sections 99 to 109 shall apply to any loan raised in pursuance of this section

Control by the Local Government

28. When any project is framed by the Corporation for the execution of any work or series of works, the entire estimated cost of which amounts to one Sanction of Local Government to

project costings over one lakh of rupees.

lakh of rupees or more, then, notwithstanding that the cost may be included in the budget estimate as finally adopted under section 95—

(a) the work shall not be commenced until the said project has been sanctioned by the Local Government, and

(b) if any material change is made in the project after it has been so sanctioned, such change shall not be carried into effect unless and until the same has been sanctioned by the Local Government.

Power of Local Government to call for information and papers.

29. The Local Government may require the President to furnish them with—

(a) any return, statement, estimate, statistics or other information regarding any matter under his control or under the control of any other Municipal authority,

(b) a report on any such matter, or

(c) a copy of any document in his charge.

Administration Report.

Preparation of Administration Report.

30. (1) The President shall, as soon as may be after the first day of April in every year, prepare and place before the Corporation a detailed report of the administration during the preceding twelve months, with a statement of receipts and disbursements on account of the Municipal fund.

(2) Such report and statement, together with any resolutions that may have been passed thereon by the Corporation, shall be submitted to the Local Government not later than the last day of November, or such other date as may hereafter be fixed by notification, and copies thereof shall be kept for sale at the Municipal office.

CHAPTER III.

Election and Appointment of Commissioners.

Election of Commissioners.

Election of Divisional Commissioners.

31. The Divisional Commissioners shall be elected for the several divisions of the City by voters qualified as in the next following section.

Qualifications of Voters.

Qualifications of voters.

32. (1) Every person of the male sex who has attained the age of twenty-one years shall be a qualified voter if he—

(a) resides within the division for the Commissioner of which he votes, and has paid, for the year preceding that in which he votes, taxes (other than those leviable under section 150) under this Act and due in respect of such year, to the aggregate amount of not less than twenty rupees; or

(*b*) has paid for the year preceding that in which he votes, in respect of the tax levied under Chapters XI, XIII and XIV, an amount not less than twenty rupees in respect of immoveable property belonging to him in such division, or

(*c*) has, for the six months preceding the year in which the election takes place, been the occupier, as owner, tenant or mortgagee, of a house assessed at a monthly rental of not less than twenty rupees in the said division, or

(*d*) has resided for six months within the said division and graduated in some University in His Majesty's dominions

Provided that any company or association of individuals which for the year preceding that in which an election takes place has paid taxes (other than those leviable under section 150) to the aggregate amount of not less than twenty rupees shall be entitled to one vote in the division in which the principal office of such company or association is situated such vote being given by the Secretary of the company or association or some other person duly authorized in that behalf

(*2*) No person who has been convicted of an offence under section 45, which conviction has not been annulled, shall be qualified to vote for a period of five years following such conviction

(*3*) A person owning immoveable property in more divisions than one may vote in each division in which he possesses the necessary qualification

Qualifications for Election or Appointment as Commissioner

33. No person shall be qualified for election as a Commissioner unless he— Qualifications for election as Commissioner

(*1*) is of the male sex,

(*2*) has completed his twenty fifth year,

(*3*) is acquainted with the English language,

(*4*) is resident in the City or within two miles of the limits thereof, and has either—

(*a*) paid for the year preceding that in which the election takes place taxes (other than those leviable under section 150) under this Act and due in respect of such year to the aggregate amount of not less than one hundred rupees, or

(*b*) been, for six months preceding the aforesaid year, the occupier, as owner, tenant or mortgagee in possession, of a house of an annual value of not less than twelve hundred rupees as determined under section 130

34. (*1*) A person shall be disqualified for election or appointment as a Commissioner if such person— Disqualifications for election or appointment as Commissioner

(*a*) has been at any time sentenced by any Court to transportation, imprisonment or whipping for any non bailable offence, such sentence not having been subsequently reversed or quashed, or

(*b*) is at the date of election or appointment—

(i) a Commissioner or officer or servant holding office under this Act, or a Presidency Magistrate; or

(ii) an uncertificated bankrupt or undischarged insolvent; or

(iii) interested, otherwise than as a shareholder in an incorporated company, in any contract made with or work done for the Corporation.

(*2*) A person shall not be disqualified as aforesaid, or be deemed to have any share or interest in such a contract or employment as aforesaid by reason only of his having a share or interest in—

(*a*) any lease, sale or purchase of land or any agreement for the same; or

(*b*) any agreement for the loan of money or any security for the payment of money only; or

(*c*) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted.

(*3*) Notwithstanding anything contained in clause (*a*) of sub-section (*1*), the Local Government may direct by an order that such sentence shall not operate as a disqualification.

(*4*) No person, who has been convicted of an offence under section 45, which conviction has not been annulled, shall be qualified for election or appointment for a period of five years following such conviction.

Prohibition against Commissioner's voting when interested.

35. No Commissioner who has, directly or indirectly by himself or by his partner or employer or any employé, a share or interest in any matter or thing described in section 34, or who has acted professionally on behalf of any person having such share or interest, shall vote or take any part in any proceeding relating to that matter or thing.

Explanation.—The holding of shares in an incorporated company does not create the concern or interest herein forbidden.

Resignation of Commissioners.

ower of Commissioner to resign.

36. Any Commissioner may resign his office by giving notice to that effect to the President.

Divisions.

Divisions of the City.

37. For the purposes of the election of Divisional Commissioners, the City shall be divided into twenty divisions, the boundaries of which shall be those set out in Schedule III.

Elections.

Representation of every division.

38. Subject to the provisions of section 42, there shall at all times be one elected Commissioner for each division.

Election by ballot.

39. Every election of a Commissioner shall be by ballot, and shall be held at such time and place as the Local Government may direct:

Provided that, if the number of candidates is the same as or less than that of the vacancies, the ballot shall be dispensed with and the candidates shall be deemed duly elected

40. When the election is by ballot no person shall be deemed to have been elected a Commissioner unless he obtains at least twenty votes

Minimum number of votes for election

41. All expenses of elections held under the provisions of section 39 shall be defrayed from the Municipal fund

Payment of expenses of election from Municipal fund

42. If at any election no candidate obtains the necessary number of votes, the Local Government may appoint any person qualified for election and the person so appointed shall be deemed to have been elected for the said division

Appointment by Local Government in default of election

43. (*1*) If any person has been elected for more divisions than one, he shall, within five days from the date of such election, intimate to the President the division for which he chooses to serve

Election of same person for more divisions than one

(*2*) In default of such intimation the President shall notify the division for which such person shall serve

(*3*) The said person shall be deemed to have been elected for the division so chosen or notified as the case may be, and thereupon the voters of the other division or divisions for which such person has been elected shall proceed to elect a Commissioner in the manner hereinbefore provided

44. If there is an equality of votes between two or more candidates, the candidate who paid the highest amount on account of Municipal taxation, exclusive of any amount paid as tax leviable under section 150, for and during the year preceding that of the election shall be elected, and if the said candidates have paid equal amounts as aforesaid, the President shall give a casting vote and the candidate to whom such vote is given shall be elected

Procedure in case of equality of votes

45. (*1*) It shall not be lawful for any person who is qualified or who claims to be qualified to vote at any election under this Act to accept or obtain, or agree to accept or attempt to obtain, for himself or for any other person, any gratification for voting or forbearing to vote at any election

Corrupt practices at elections

(*2*) No person shall by any gift or reward or agreement or security for any gift or reward corrupt or procure, or offer to corrupt or procure, any one to vote or forbear to vote at such election

46. The President as soon as may be after the publication of the Act under section 10 of the Indian Councils Act, 1861[1], and hereafter in the first quarter of each year shall prepare and publish —

24 & 25 Vict., c. 67

Preparation and publication of lists of qualified persons

(*a*) a list of persons qualified to vote for each division as provided by section 32, and

(*b*) a list of persons qualified for election as provided in section 33 and section 34,

and may at any time amend and publish the same

[1] Collection of Statutes relating to India, Vol. I.

Ineligibility of persons not in lists.

47. No person whose name does not appear in one of the said lists shall be qualified to vote or to be elected as the case may be.

Method of publication of lists.

48. (*1*) Publication under section 46 shall be made by affixing the list to some conspicuous place in or near the Municipal office and in the division to which the list appertains.

(*2*) The President shall give notice of such publication in the *Fort St. George Gazette* and in two or more of the local newspapers, and the said list shall be open to public inspection at all reasonable times for fifteen days after the date of the giving of such notice.

Procedure in case of omission of name from lists.

49. Any person qualified to vote or to be elected whose name has been omitted from the list may within one month from the date of such publication request the President to insert his name therein, and if his name is not inserted within eight days from the date of receipt of such application, such person may apply within fifteen days to a Presidency Magistrate for an order for the insertion of the same.

Making of an order by Magistrate.

50. A Magistrate to whom an application is made under the last preceding section shall, after inquiry, make such order as to the insertion of the name of the applicant and as to the payment of the cost of the inquiry as he thinks fit.

Finality of Magistrate's order.

51. No appeal shall lie from an order made under the last preceding section.

Conclusiveness of lists and sale thereof to public.

52. The lists shall, subject to the provisions of sections 34 and 49, be conclusive as to the qualifications of persons to vote, or to be elected, and copies thereof shall be supplied to the public at the Municipal office at cost price.

Temporary appointment by Local Government.

53. If there is no elected Commissioner for a division, the Local Government may appoint a Commissioner to hold office for such division until the election for the same has taken place.

Removal of Commissioners.

Disqualifications for continuing to be a Commissioner.

54. No person who has been elected or appointed a Commissioner shall continue to be a Commissioner after he has been sentenced by any Court to imprisonment (being imprisonment not inflicted in default of payment of a fine), whipping or transportation or has been convicted of an offence under section 45 or after he becomes a bankrupt or an insolvent, or after he acquires any interest, otherwise than as a shareholder in a Joint Stock Company, in any contract or work made with, or done for, the Corporation; nor shall any person continue to be a Commissioner who fails to attend three consecutive general meetings, or six consecutive meetings, be they general, special or adjourned.

Cessation of Commissionership and cases where restoration to office is permissible.

55. Any Commissioner becoming disqualified under the foregoing section shall, *ipso facto*, cease to be a Commissioner:

Provided that, where a person has ceased to be a Commissioner by reason of his having been sentenced or convicted as described in the preceding section, or by reason of his having become a bankrupt or insolvent, he shall be restored to office for such portion of the period for which he was elected or

appointed as may remain unexpired at the date of such restoration, if and when—

(a) such sentence or conviction has been annulled on appeal or revision,

(b) the disqualification caused by such sentence has been removed by an order of the Governor in Council as provided in section 34,

(c) the person in question becomes a certificated bankrupt or discharged insolvent

Provided further that, in the case of a person who has ceased to be a Commissioner in consequence of failure to attend as provided in section 54, the Corporation may, in their discretion, restore such person to office at the next general meeting held after such person has ceased to be a Commissioner

Term of Office of Commissioners

56 Every Commissioner shall, subject to the provisions of section 36 and the last preceding section hold office for a term of three years from the date of the *Fort St George Gazette* wherein his election or appointment was notified

Term of office of Commissioner

57. Whenever a vacancy is caused by the death, removal or resignation of a Commissioner, a successor shall forthwith be elected or appointed in the same manner in which the Commissioner whose death, removal or resignation caused the vacancy was originally elected or appointed

Filling up of vacancy

CHAPTER IV

Municipal Officers and Servants

Appointment

58. (1) The President may appoint permanently or temporarily such subordinate officers and servants as the Corporation, subject to the control of the Local Government, consider necessary for the purposes of this Act

Appointment and punishment of subordinate officers and servants

(2) The said officers and servants shall receive out of the Municipal fund such salaries and allowances as the Corporation may fix subject to such modifications as the Local Government may direct

Provided that the salary payable to any person appointed under this section shall not exceed one thousand rupees per mensem

(3) The President may, subject to such control as may be prescribed by the Local Government, fine, suspend, reduce or dismiss any of the said officers and servants

59. (1) Any Municipal servant in receipt of a salary of not less than fifty rupees per mensem may appeal to the Standing Committee against an order of dismissal by the President, and any such servant in receipt of a salary of

Appeal against dismissal

not less than two hundred rupees per mensem may further appeal from the order of the Standing Committee to the Corporation :

Provided that in either case the appeal is preferred within thirty days from the date of the said order.

(*2*) The decision of the Standing Committee in the one case and of the Corporation in the other shall be final.

Leave of Absence.

Grant of leave to President and superior officers.

60. (*1*) The Local Government may grant leave of absence to the President or to any of the officers appointed under section 12 in accordance with the Civil Service Regulations.

(*2*) Whenever such leave is granted, the Local Government shall appoint some person to act in the place of the absent officer.

Grant of leave allowances.

61. Whenever leave of absence has been granted under the last preceding section, the Local Government may direct the payment out of the Municipal fund of such leave allowances as are admissible under the Civil Service Regulations.

Salaries and allowances of acting officers.

62. The Local Government shall fix the salary and allowances of the person appointed to act for any of the said officers.

Grant of leave to subordinate officers and servants.

63. The President may grant such leave of absence as he thinks fit to any subordinate officer or servant of the Corporation.

Miscellaneous.

Power of Corporation to make rules concerning subordinate officers.

64. In respect of officers and servants other than the officers appointed under sections 9 and 12, the Corporation may, with the previous sanction of the Local Government, make rules—

(*a*) fixing the amount and nature of the security to be furnished by any such officer or servant ;

[1] [(*aa*) prescribing the educational qualifications to be possessed by such officers or servants.]

(*b*) regulating the grant of leave of absence, leave allowances and acting allowances ;

(*c*) regulating the grant of pensions and gratuities ; and

(*d*) establishing and maintaining a provident or annuity fund, and compelling all or any of such officers or servants to contribute to the same.

Payments in accordance with rules of the Corporation.

65. (*1*) Any pension, gratuity or allowance granted in accordance with the rules made under clause (*b*) or clause (*c*), as the case may be, of the last preceding section shall be paid out of the Municipal fund.

---

[1] Inserted by Mad. Act II of 1911, s. 2, *infra*.

(2) If an officer serving or having served under the Corporation is or has been transferred from or to the service of the Government, or is employed partly by the Government and partly by the Corporation, the Corporation shall contribute to his pension and leave allowances to the extent required by the rules made by the Governor-General in Council in this behalf and for the time being in force. Payments in accordance with rules of the Local Government.

CHAPTER V.

CONDUCT OF BUSINESS.

Contracts and Seal of the Corporation.

66. (*1*) The Corporation may enter into and perform such contracts as they think necessary or expedient for carrying into effect the provisions of this Act. Power of Corporation to make contracts.

(2) With respect to the making of contracts under or for the purposes of this Act, the following provisions shall have effect, namely :— Powers of President.

(*a*) every such contract shall be made on behalf of the Corporation by the President;

(*b*) every such contract for any purpose which, in accordance with any provision of this Act, the President may not carry out without the approval or sanction of the Standing Committee shall be made by him with their prior approval or sanction;

(*c*) no contract (other than an agreement for the acquisition of immoveable property) which will involve an expenditure exceeding two thousand rupees and not exceeding ten thousand rupees shall be made by the President unless the same has been previously approved by the Standing Committee;

(*d*) no contract involving an expenditure exceeding ten thousand rupees and not exceeding one lakh of rupees shall be made by the President unless the same has been previously approved by the Corporation;

(*e*) no contract involving an expenditure exceeding one lakh of rupees shall be made by the President unless the approval of the Corporation and the Local Government has been previously obtained.

(3) The foregoing provisions of this section shall apply to a variation or to a discharge of a contract as well as to an original contract. Variation of discharge of contracts.

67. (*1*) Every contract made by the President on behalf of the Corporation shall be entered into in such manner and form as would bind him if it were made on his own behalf, except that the common seal shall be used where necessary; and every such contract may in the like manner and form be varied or discharged. Form of contracts and use of seal of Corporation.

(2) Every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding one thousand rupees shall be in writing, shall be sealed with the common seal of the Corporation, and shall specify—

(*a*) the work to be done or the materials or goods to be supplied, as the case may be,

(*b*) the price to be paid for such work, materials or goods, and

(*c*) in the case of a contract for work, the time within which the same or any specified portions thereof shall be completed.

(3) The common seal of the Corporation shall remain in the custody of the President, and shall not be affixed to any contract or other instrument except in the presence of the President or of one of the officers appointed under section 12, and such President or officer shall attach his signature to the contract or instrument in token that the same was sealed in his presence.

(4) No contract executed otherwise than as provided in this section shall be binding on the Corporation.

Tenders.

68. (1) Whenever the President is about to enter into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding two thousand rupees, the Standing Committee shall at least seven days previously call for tenders by advertisement.

(2) Whenever the acceptance of a tender will involve an expenditure exceeding ten thousand rupees, the Standing Committee shall place before the Corporation the specifications, conditions and estimates and tenders received, specifying the particular tender, if any, which they recommend for acceptance.

(3) Whenever the acceptance of a tender will involve an expenditure exceeding one lakh of rupees, the Corporation shall submit to the Local Government the specifications, conditions and estimates, and the tenders received specifying the particular tender, if any, which they recommend for acceptance.

(4) No Municipal authority shall be bound to accept any tender which has been made; but any such authority may accept any of such tenders as may appear to be the most advantageous, or may reject all the tenders.

Security for performance of contract.

69. The President shall take such security as he may deem sufficient for the due performance of any contract into which he enters, after a tender has been accepted, and may, in his discretion, take security for the due performance of any other contract into which he enters under this Act.

Municipal Office.

Provision of an office by Corporation.

70. The Corporation shall provide an office within the City for the transaction of business.

Municipal Records

71. The Commissioners shall have access during office hours to any records of the Corporation at the office provided under the last preceding section after giving due notice to the President — Access of Commissioners to records.

Provided that the President may for reasons given in writing forbid such access

Meetings of the Corporation

72. (*1*) There shall be twelve general meetings of the Corporation in every year for the transaction of business — General meetings.

(2) The general meetings shall be held at the Municipal office once in every month

(*3*) The President shall cause notice of every such meeting and of the business to be transacted thereat to be published in the *Fort St George Gazette* and in two or more of the local newspapers at least six days before the meeting

73. (*1*) At each of the general meetings held in the months of April, June, August, October, December and February, the President shall place before the Corporation a statement of receipts and disbursements on account of the Municipal Fund from the close of the last preceding year up to the close of the month before that in which the meeting takes place, and also a progress report of work done up to the same date — Statement of receipts and disbursements and progress report

(2) Such statement and progress report shall be published by the President

74. (*1*) The President may, whenever he thinks fit, and shall on a request in writing signed by any ten Commissioners, call a special meeting of the Corporation — Special meetings.

(2) Any such special meeting shall be held at the Municipal office

(*3*) No such meeting shall be held unless at least four days' notice, specifying the purpose for which such meeting is to be held and the time thereof, has been given by the President by a notice addressed to each of the Commissioners, and been published in two or more of the local newspapers

Transaction of Business by the Corporation

75. Except as provided in the next following section, no business shall be brought before or transacted at any meeting other than the business specified in the notice given under section 72 or section 74, as the case may be — Business to be transacted.

76. (*1*) Any Commissioner may, after giving previous notice, bring before a meeting a resolution in regard to other business than the business specified as aforesaid — Extraordinary and urgent business.

(2) Such previous notice shall contain the resolution which the Commissioner intends to move, and shall be left at the Municipal office three clear days before the meeting

(2) Every meeting of the Corporation, the minutes of the proceedings at which have been signed as prescribed in section 80, shall be deemed to have been duly convened and to be free from all defect and irregularity.

PART III.

FINANCE.

CHAPTER VI.

MUNICIPAL FUND.

Municipal fund.

87. (1) All moneys payable to the credit of the Corporation shall constitute a fund which shall be called the Municipal fund, and shall be held in trust by the Corporation for the purposes of this Act.

Objects of expenditure.

(2) The said fund may be expended on all or any of the purposes detailed in Schedule IV.

Contribution for public exhibition, ceremony or entertainment.

88. The Corporation may, with the previous sanction of the Local Government, make such contributions as they think fit towards the expenses of any public exhibition, ceremony or entertainment in the City.

Contribution to Municipal Council or Local Board.

89. (1) If the expenditure incurred by any authority constituted under the Madras District Municipalities Act, 1884[1], or the Madras Local Boards Act, 1884[1], for any of the purposes described in Schedule IV of this Act is such as to benefit the inhabitants of the City—

(a) the Corporation may, with the previous sanction of the Local Government, contribute towards such expenditure, or

(b) the Local Government may by an order direct the Corporation to show cause why such contribution should not be paid.

(2) If the Corporation fail to show such cause within one month from the date of receipt of an order under sub-section (1), the Local Government may direct the payment of such amount as they think fit as a contribution from the Municipal fund towards the said expenditure.

Deposit in banks and investment in securities.

90. (1) All moneys received by the Corporation shall be lodged in the Bank of Madras, or with the sanction of the Local Government, in any other bank, and shall be credited to an account entitled "the Municipal Fund", and may, with the like sanction, be invested in any one of the securities specified in section 20 of the Indian Trusts Act, 1882[2].

(2) All expenses incurred on behalf of the Corporation under this Act shall be paid out of the said fund :

---

[1] Printed *Supra*.
[2] General Acts, Vol. III.

Provided that payment of any sum due by the Corporation exceeding one hundred rupees shall be made only by means of a cheque

(3) All orders or cheques against the said fund shall be signed by the President, or in his absence by the Revenue-officer, or the Health officer, or the Engineer, if so authorized by the President in that behalf, and the said bank may pay all orders or cheques against the said fund which are so signed.

CHAPTER VII.

Budget

Preparation and submission of budget

91. (*1*) The President shall, before the end of January in every year, prepare and submit to the Standing Committee a budget containing a detailed estimate of income and of expenditure for the ensuing financial year, together with proposals as to the amount of taxes to be levied, or loans to be raised, for the purpose of meeting such expenditure

(*2*) The said estimates shall be accompanied by the proposals of the Director of Public Instruction, the Surgeon General, and the Sanitary Commissioner, in respect of the expenditure required for the elementary education of the poor, for hospitals, dispensaries and medical education, and for sanitary purposes and vaccination

(*3*) All estimates for new works and special repairs shall be submitted for sanction to the Standing Committee not less than six weeks before the meeting held to consider the budget

(*4*) The said meeting shall be held in February or such other month as may by notification be fixed by the Local Government

Publication of budget after approval by Standing Committee

92. The budget, as approved by the Standing Committee, shall be printed and published, and submitted to the Corporation before the end of February or such other month as may by notification be fixed by the Local Government

Consideration of budget by Corporation

93. The Corporation shall consider the budget at a special meeting to be called in the month of March or such other month as may by notification be fixed by the Local Government

by Corporation

94. The Corporation may p[illegible]
in the budget, or may refer the [illegible]
consideration, or may reject any item therein or add any item thereto

Provided that no such modification, rejection or addition is inconsistent with the provisions of this Act

Submission of budget to Local Government.

95. (*1*) The budget, as passed by the Corporation, shall be submitted by the President to the Local Government not later than the third week in March or such other date as may hereafter be notified.

(*2*) The Local Government shall pass such orders on the budget as they think fit, and may reject or modify all or any of the items entered therein, or add any item thereto:

Provided that no such modification, rejection or addition is inconsistent with the provisions of this Act or involves the raising of a loan.

(*3*) The Corporation shall abide by the budget as approved by the Local Government.

Preparation and submission of supplemental budget.

96. (*1*) The President may at any time prepare a supplemental budget and shall place the same before the Standing Committee.

(*2*) If the Standing Committee pass the said budget, it shall be printed and published, and a copy furnished to each Commissioner at least six days before the meeting at which it is to be considered.

(*3*) If the Corporation pass the said budget, the President shall without delay submit it to the Local Government, and the Local Government shall deal with it in the manner provided in the last preceding section.

Power of Corporation to alter budget.

97. (*1*) The Corporation may, on the recommendation of the Standing Committee and with the sanction of the Local Government, or under such rules as the Local Government may make—

(*a*) raise or reduce the allotments under any head of expenditure in the budget or in any supplemental budget, or

(*b*) transfer the allotments from one head of expenditure to another:

Provided that no such increase, reduction or transfer is inconsistent with the provisions of this Act:

Provided also that the total amount of expenditure as shown in the budget and in any supplemental budget as passed by the Local Government as aforesaid is not exceeded.

(*2*) Every increase, reduction or transfer of allotment, shall upon being sanctioned by the Local Government under this section, be deemed to form part of the budget.

Restrictions on payments out of Municipal fund.

98. (*1*) No payment of any sum out of the Municipal fund shall be made or authorized by the President unless the sum is covered by an allotment under a grant in the budget and a sufficient balance of such grant is still available:

Provided that the following items shall be excepted from this prohibition, namely—

(*a*) refunds of taxes and other moneys which are authorized by this Act;

(*b*) repayments of moneys belonging to contractors or other persons and held in deposit and of moneys collected or credited to the Municipal fund by mistake;

(*c*) costs incurred by the President in the exercise of the powers conferred upon him by section 21;

(*d*) sums payable under section 26, sub-section (*1*), clause (*c*), and section 109, sub-section (*2*);

(*e*) sums payable under a decree or order of a civil or criminal court passed against the Corporation or against the President *ex-officio*

or under a compromise of any suit or other legal proceeding or claim or paid into court under section 457, sub section (3) or sub-section (4);

(f) any sums which the President is required or empowered to pay under the provisions of this Act by way of compensation or expenses,

(g) the salary payable to a Special Sanitary Officer appointed under section 13, and

(h) expenses incurred by the President under section 367, sub-section (4), and expenses incurred in anticipation of recoupment from person liable, under section 215, section 244, section 245, section 257, or section 412

(2) Whenever any sum is expended by the President under the proviso to sub section (1) he shall forthwith communicate the circumstances to the Standing Committee who shall take such action under section 97 as may under the circumstances be expedient for covering the amount of additional expenditure

---

CHAPTER VIII

LOANS

99. The Corporation may, with the approval of the Local Government and the sanction of the Government of India, and in pursuance of any resolution passed at a special meeting, borrow, by way of debenture or otherwise on the security of all or any of the taxes, tolls, fees and dues authorized by this Act, and at such rate of interests and upon such terms as to the time of repayment and otherwise as the Government of India may approve, any sums of money which may be required for the construction of works of a permanent nature under this Act

Power of Corporation to borrow money for construction of permanent works

100. The Corporation may, with the approval of the Local Government and the sanction of the Government of India, borrow, by the issue of new debentures, or otherwise, any money that may be required—

Power of Corporation to borrow money for payment of debt.

Mad. Act I of 1884

(a) to pay any moneys for the time being due on any debentures issued under section 99 or under the City of Madras Municipal Act, 1884[1], or any enactment repealed thereby, or

(b) to pay off any debt due to the Government

101. The time for the repayment of any money borrowed under section 99 shall not ordinarily exceed 44 years and shall in no case exceed 60 years, and, the time for the repayment of any money borrowed under section 100 for the purpose of discharging any previous loan shall not, except with the express sanction of the Government of India, extend beyond the unexpired portion of the period for which such previous loan was sanctioned.

Time for repayment of money borrowed under sections 99 and 100

---

[1] Repealed by this Act, s. 2 and Sch I

Limit to borrowing powers.

102. Notwithstanding anything hereinbefore contained, the borrowing powers of the Corporation shall be limited so that the sum payable annually for interest and for the maintenance of the sinking funds as hereinafter prescribed, and for interest and repayment of any sums borrowed otherwise shall not exceed ten per cent on the annual value of buildings and lands as determined under Chapter XII.

Form and effect of debentures.

103. All debentures issued under this Chapter shall be in such form as the Corporation, with the previous sanction of the Government of India, may determine; and shall be transferable by endorsement; and the right to sue in respect of the moneys secured by any of such debentures shall be vested in the holders thereof for the time being without any preference by reason of some of such debentures being prior in date to others.

Maintenance and investment of sinking funds.

104. (*1*) The Corporation shall maintain sinking funds for the repayment of money borrowed on debentures issued and shall pay by quarterly instalments into such sinking funds such sum as the Local Government may determine to be sufficient for the repayment within the period fixed for the loan of all moneys borrowed on debentures issued.

(*2*) All money paid into the sinking funds shall, as soon as possible, be invested, under the orders of the Corporation, in—

(*a*) Securities of the Government of India, or

(*b*) Securities guaranteed by the Government, or

(*c*) Madras Municipal debentures;

and shall be invested in the joint names of the Chief Secretary to the Government of Madras, and the Accountant General of Madras, for the time being, to be held by them as trustees for the purpose of repaying at due date from time to time the debentures issued by the Corporation.

(*3*) All dividends and other sums received in respect of any such investment shall, as soon as possible after receipt, be paid into the sinking funds and invested in the manner prescribed by sub-section (*2*).

(*4*) When any part of a sinking fund is invested in Madras Municipal debentures, or is applied in paying off any part of a loan before the prescribed period, the interest which would otherwise have been payable on such debentures or on such part of the loan shall be paid into the sinking fund and invested in the manner prescribed by sub-section (*2*).

(*5*) Any investment made under this section may, subject to the provisions of sub-section (*2*), be varied or transposed.

Application of sinking fund.

105. The aforesaid trustees may apply a sinking fund, or any part thereof, in or towards the discharge of the loan or part of a loan for which such fund was created; and until such loan or part is wholly discharged shall not apply the same for any other purpose:

Provided that when any loans or parts thereof have been consolidated under section 107, the trustees shall transfer to the sinking fund of the consolidated loan so created such part of the sinking funds of the original loans as

may be proportionate to the amount of the original loans incorporated in the consolidated loan

Annual statement by trustees.

106. (*1*) The aforesaid trustees shall, at the end of every year, submit to the Corporation a statement showing—

(*a*) the amount which has been invested during the year under section 104,

(*b*) the date of the last investment made previous to the submission of the statement,

(*c*) the aggregate amount of the securities then in their hands, and

(*d*) the aggregate amount which has up to the date of the statement been applied under the last preceding section in or towards discharging loans

(*2*) Every such statement shall be laid before the Corporation and published

Power of Corporation to consolidate their loans.

107. (*1*) Notwithstanding anything to the contrary contained in this Chapter, the Corporation may consolidate all or any of their loans and for that purpose may invite tenders for a new loan (to be called the "Municipal Consolidated Loan 19—") and invite the holders of Municipal debentures to exchange their debentures for scrip of such loan

(*2*) The terms of any such consolidated loan and the form of its scrip and the rates at which exchange into such consolidated loan shall be permitted shall be subject to the prior approval of the Government of India

(*3*) The period for the extinction of any such consolidated loan shall not without the sanction of the Government of India extend beyond the farthest date within which any of the loans to be consolidated would be otherwise repayable

(*4*) The Corporation shall provide for the repayment of any such consolidated loan by a sinking fund in the manner prescribed in section 104, having regard to the amount transferred to such sinking fund under section 105

Priority of payments for interest and repayment of loans over other payments

108. All payments due from the Corporation for interest on and repayment of loans shall be made in priority to all other payments due from the Corporation

Attachment of Municipal fund for recovery of money borrowed from Government.

109. (*1*) If any money borrowed by the Corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, is or are not repaid according to the conditions of the loan, the Local Government may attach the Municipal fund or any part thereof

(*2*) After such attachment, no person except an officer appointed in this behalf by the Local Government shall in any way deal with the attached fund, but such officer may do all acts in respect thereof which any Municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrear and of all

interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

CHAPTER IX.

ACCOUNTS.

Appointment of auditors of accounts.

110. The Local Government shall before the end of every financial year appoint two persons to be auditors of the Municipal accounts who shall maintain and keep a continuous audit of the same during the financial year next following; and the President shall submit these accounts to the auditors as required.

Powers of auditors.

111. The auditors appointed under the last preceding section may—

(*a*) by summons in writing require the production of any document, the perusal or examination of which they believe necessary for the elucidation of the Municipal accounts;

(*b*) by summons in writing require any person having the custody or control of any such document, or accountable for the same, to appear in person before them; and

(*c*) require any person so appearing before them to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

Duties of auditors.

112. The auditors shall—

(*a*) report to the Standing Committee any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the Corporation or in the Municipal accounts;

(*b*) furnish to the Standing Committee such information as the said Committee may require concerning the progress of their audit; and

(*c*) submit to the Standing Committee a final statement of the audit and a duplicate copy thereof to the Local Government within a period of three months from the end of the financial year, or within such other period as the Local Government may notify.

Obligation of Standing Committee to remedy defects and irregularities.

113. The Standing Committee shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and report the same to the Corporation.

114. The Corporation shall pay to the auditors out of the Municipal fund such remuneration as the Local Government may determine

Payment of remuneration to auditors from Municipal fund.

PART IV.

TAXATION.

CHAPTER X

TAXES

Taxes and Tolls

115. The taxes and tolls to be levied for the purposes of this Act shall be as follows —

Levy of taxes and tolls.

(*a*) a tax on the exercise of professions, arts, trades and callings and on offices and appointments,
(*b*) a tax on buildings and lands,
(*c*) a water and drainage tax,
(*d*) a lighting tax,
(*e*) a tax on vehicles with springs and on animals,
(*f*) a tax on carts and other vehicles without springs,
(*g*) tolls on vehicles and on animals entering Municipal limits

116. The Corporation may, with the approval of the Local Government, levy all or any of the taxes and tolls named in the last preceding section

Power of Corporation to levy all or any taxes and tolls

Exemption from Payment of Taxes

117. The Corporation may exempt wholly or in part, from the payment of any of the said taxes any person who is or becomes, in their opinion, unable to pay the same

Power of Corporation to exempt from payment of taxes

Lists of Tax payers

118. The President shall prepare and keep separate lists of the persons and property liable to the several taxes payable under clauses (*a*) to (*g*) of section 115

Preparation of lists of persons and property liable to taxation

119. Such lists shall be open at all reasonable times at the Municipal office to the inspection of any tax-payer on payment of a fee of two annas

Inspection of lists at Municipal office

CHAPTER XI

TAX ON PROFESSIONS AND CALLINGS

120. (*1*) If the Corporation determine to levy the tax specified under clause (*a*) of section 115, every person who within the city exercises any pro-

Levy and payment of

profession-tax. fession, art, trade or calling or holds any office or appointment bringing him within one or more of the classes of persons specified in Schedule V shall pay the sum specified in the said Schedule as payable by persons of the class in which such person is placed.

(*2*) Notwithstanding any notification by the Local Government under clause (*6*) of section 3, no person shall claim exemption from the operation of sub-section (*1*) by reason of his exercising a profession, art, trade or calling within the limits of Fort St. George.

Determination of class by President.

121. (*1*) The President shall determine in which of the classes of Schedule V any person is to be placed, and may from time to time revise such classification.

(*2*) Any person dissatisfied with such classification may make an application for revision.

(*3*) Such application shall be dealt with as hereinafter provided in section 172 and section 173.

Liability of member of firm or undivided Hindu family.

122. The tax leviable under section 120 from a firm or undivided Hindu family may be levied from any member of that firm or family.

Liability of persons coming under more than one class.

123. A person who exercises more than one profession, art, trade or calling specified in Schedule V, or holds more than one office or appointment shall be chargeable under the class appropriate to his aggregate income from all such sources.

Non-liability in case of exercise of profession for limited period.

124. No person shall be liable to tax under section 120 in respect of any half-year in which he has exercised a profession, art, trade or calling, or held an office or appointment, for a period less than sixty days within the City.

Prosecution for default of payment.

125. (*1*) If in any half-year any person exercises a profession, art, trade or calling, or holds any office or appointment, included in Schedule V, for sixty days without paying the sum due in respect of such half-year, the President may cause a notice to be served on such person that, if within fifteen days from the date of such service he does not pay the sum due, he will be prosecuted for such default.

(*2*) The President may, in default of payment of the sum due and of the costs of service, cause the said person to be prosecuted.

Payment of tax in half-yearly moieties.

126. (*1*) The tax payable under section 120 shall be paid in moieties, one for each half of the year.

(*2*) Such moiety shall become payable after the person liable for the same has for sixty days reckoned consecutively or from time to time in such half year exercised such profession, art, trade of calling, or held such office or appointment.

Requisition on owner or occupier to

127. The President may by notice require the owner or occupier of any building or land to furnish within a specified time a list in writing, containing

the names of all persons occupying such building or land and specifying the profession, art, trade, calling, office or appointment of every such person

furnish list of persons liable to tax

128. The President may in like manner require any employer, or the head or secretary of any public or private office or of a firm or company—

Requisition on employers or their representatives to furnish such list.

(*a*) to furnish within a specified time a list in writing of the names of all persons in his employ, or in the employ of such office, firm or company, with a statement of the salary or income of each of the same , and

(*b*) to furnish particulars in regard to any incorporated company of which such employer, head or secretary as the case may be, is the agent

---

CHAPTER XII

Tax on Buildings and Lands

129. The Corporation may levy an annual tax, not exceeding ten per cent of the annual value, determined under this Chapter, on all buildings and lands, provided that the following shall be exempt —

Levy of tax on buildings and lands

(*a*) light houses ,

(*b*) public piers, wharves, jetties and other works connected with the harbour of Madras ,

(*c*) places set apart for public worship and either actually so used or used for no other purpose ,

(*d*) hospitals ,

(*e*) burial and burning grounds , and

(*f*) any building or land the annual value whereof is less than fourteen rupees and the owner whereof has no other property liable to tax under this Act

130. (*1*) The annual value of lands and buildings for the purpose of this Chapter shall be deemed to be the gross annual rent at which the land or building might reasonably be expected to let from month to month or from year to year If, in the case of any building not erected for letting purposes and not ordinarily let, such gross annual rent cannot, in the opinion of the President, be estimated then the annual value thereof shall be deemed to be six per cent on the sum obtained by adding the estimated present cost of erecting the building, less a reasonable amount on account of depreciation, if any, to the estimated value of the land valued with the building as part of the same premises

Annual value of lands and buildings.

(*2*) In calculating the value of any land or building under sub section (*1*), the value of any machinery thereon or therein shall be excluded

131. The annual value of any land or building under this Chapter and the amount of the *tax to be paid thereon shall* be fixed by the President

Determination of annual value or tax.

Returns and inspection for purpose of valuation.

132. (*1*) For the purposes of this Chapter the President may, by notice in writing, call on the owner or occupier of any land or building to furnish him, within a week after the service of the notice with returns of the rent actually received for such land or building, of the measurements thereof and of the cost of erecting the building.

(*2*) Every owner and occupier on whom such requisition is served shall be bound to comply with the same and to make a true return to the best of his knowledge or belief.

(*3*) The President may enter, inspect, survey, and measure such building or land after giving twenty four hours' notice to the owner or occupier.

Entry of annual value and tax in book.

133. The President shall enter the annual value of all lands and buildings fixed by him under section 131, and the tax payable thereon in an assessment book to be kept for the purpose at the Municipal office. Such book shall show—

(*a*) the name, number and description of the land or building;

(*b*) the name of the division and of the street, if any, in which the land or building is situated,

(c) the name of the owner of the same;

(*d*) the name of the occupier of the same;

(*e*) the annual value of the land or building; and

(*f*) the amount of the tax payable thereon.

Entry of names of owners or occupiers in assessment book.

134. (*1*) Any owner or occupier may at any time apply to the President to have his name entered as owner or occupier in the assessment book; and the President shall, unless there be in his opinion sufficient reason to the contrary (which reason shall be recorded in writing), cause such name to be entered in the assessment book.

(*2*) No owner or occupier, whose name is not entered in the assessment book, shall be entitled to object that any bill, warrant or notice required by this Act to be served on the owner or occupier of a building has not been made out in his name.

Inspection of assessment book and making of extracts.

135. (*1*) When the assessment book is complete in respect of any division or part of a division, the President shall give public notice thereof. Such notice shall state where, and between what hours, such book may be inspected.

(*2*) Any person who is the owner or occupier of any land or building included in such book or agent of such owner or occupier shall be permitted to inspect the said book and to make extracts therefrom free of charge, and any other person shall be permitted to inspect the said book and to make extracts therefrom on payment of a fee of one rupee on each occasion.

Amendment of assessment book.

136. The President may, at any time, subsequent to the publication of the notice under section 135 amend the assessment book—

(*a*) by altering the valuation of any land or building, or the tax imposed thereon;

(*b*) by inserting in the assessment book the name of any person who is liable to pay the tax on any land or building, or the description of any land or building which is liable to tax, and

(*c*) by removing from the assessment book the name of any person, who is not liable to pay such tax, or the description of any land or building

137. In every case in which any land or building is for the first time valued and assessed, or in which the valuation of any land or building is increased, the President shall give special notice thereof to the owner or occupier of the same, and when the valuation is increased, such notice shall state the grounds of the increase

Public notice of first valuation and assessment.

138. When any amendment has been made in the assessment book under section 136, the new valuation shall take effect from the commencement of the half year next succeeding that in which the notice of objection was delivered under section 139, or if no such notice has been delivered, then from the commencement of the half year next succeeding that in which such amendment was made, and until that time the old valuation shall continue in force, notwithstanding that the period for which it was made may have expired

Effect of entries in assessment book.

139. (*1*) Any owner or occupier of any land or building who is dissatisfied with a valuation fixed by the President under section 131 or section 136 may deliver at the Municipal office a written notice stating the grounds of his objection and applying for the revision of such valuation

Complaints against valuation.

(*2*) Such notice must be delivered within fifteen days after the publication of the public notice referred to in section 135 or of the receipt of the special notice referred to in section 137

140. The tax fixed by the President under section 131 shall be paid by the owner of the land or building in two equal instalments, each instalment being payable within fifteen days after the commencement of the half year to which it relates

Payment of tax in half yearly moieties.

141. In lieu of the tax to be fixed by the President under section 131, he may levy on any land which is not appurtenant to any building or which is occupied by huts, an annual tax at a rate not exceeding four rupees for every ground of land measuring two thousand and four hundred square feet The provisions of section 132, section 133, section 131, section 135, section 136, section 137, section 138, section 139 and section 110 shall apply to such tax

Tax on lands vacant or occupied by huts.

142. (*1*) When any building has been vacant for thirty consecutive days in any half year, the President shall, if the owner of such building or his agent has given notice, remit so much, not exceeding a moiety, of the tax due for such half year, as is proportionate to the number of days during which the building was vacant

Remission for vacant buildings.

(*2*) The period in respect of which the remission is made shall be calculated from the date of delivery of such notice to the President; and every

such notice shall expire with the half year during which it is so delivered, and shall have no effect thereafter.

Notice of construction or reconstruction of buildings.

143. If any building is constructed or recónstructed, the owner shall give notice thereof to the President within fifteen days from the date of completion or occupation of the same, whichever is the earlier.

Notice of demolition of buildings.

144. (*1*) If any building is demolished, the owner shall give notice thereof to the President.

(*2*) Until such notice is given, the said owner shall be liable, at the discretion of the President, to payment of all or any of the taxes which would have been leviable had such building not being demolished.

CHAPTER XIII.

Water and Drainage Tax.

Levy of water and drainage tax.

145. (*1*) The Corporation may, in order to provide for the maintenance, repair, and extension of water-works and works of drainage and for interest on any loan for the construction of the same, levy an annual tax on buildings and lands at a rate not exceeding six and a half per cent on the annual value thereof:

Provided that buildings and lands which are outside the populous parts of the City, and no part of which is within one hundred and fifty yards of the nearest stand pipe or other supply of Municipal water available to the public shall be assessed at a rate not exceeding four and a half per cent on the said annual value:

Provided also that the Local Government may exempt any local area in the City from the payment of the said tax or any part thereof.

Procedure.

(*2*) Such tax shall be assessed and be payable in the same manner and shall be subject to the same conditions and exemptions as hereinbefore provided in respect of the tax leviable under section 129.

on lands cant or ccupied by uts.

146. The President may, in lieu of the tax specified in the last preceding section, levy on any land which is not appurtenant to any building, or which is occupied by huts, a fixed annual tax at a rate not exceeding three rupees for every ground of land measuring two thousand and four hundred square feet.

Application of tax and other moneys.

147. All moneys received under section 145 and the last preceding section or in respect of the supply of water under this Act, shall in the first place be applied by the Corporation to defraying the expenses of making and maintaining the Municipal water-works or works of drainage, paying the interest of any loan contracted for such works, providing a sinking fund for repayment of such supply of loan and meeting charges incurred for any other purpose connected with the water or with drainage.

CHAPTER XIV

Lighting tax

148. (1) The Corporation may in order to provide for the lighting of the streets of the City, levy on all buildings and lands an annual tax not exceeding two per cent of the annual value thereof — *Levy of lighting tax.*

Provided that the Local Government may exempt any division or part thereof from the payment of the said tax

(2) Such tax shall be assessed and be payable in the same manner and shall be subject to the same conditions and exemptions as hereinbefore provided in respect of the tax leviable under section 129

(3) The President shall keep a separate account of all moneys received and expended for any purpose connected with the lighting tax

149. The President may, in lieu of the tax specified in the last preceding section levy upon any land which is not appurtenant to any building, or which is occupied by huts, a fixed annual tax at a rate not exceeding one rupee for every ground of land measuring two thousand and four hundred square feet — *Tax on lands vacant or occupied by huts.*

CHAPTER XV

Tax on Vehicles with Springs and on Animals

150. (1) The Corporation may levy a tax at a rate not exceeding the rates specified in Schedule VI on every vehicle and animal kept or let out for hire or used within the City — *Levy of tax on vehicles and animals.*

(2) The tax payable in respect of each half of the year shall be payable by any person in whose possession or custody or control such vehicle or animal may be found, so soon as the same has been for thirty days kept or let out for hire or used within the City — *Payment of tax half yearly in advance.*

(3) The President may direct that any vehicle let out for hire, or any motor-car, bicycle or tricycle, liable to tax under sub-section (2) of this section, shall have a number affixed thereto, and that such number shall be registered in the Municipal office — *Affixing of number to vehicle, and registration of such number in Municipal office*

(4) Every person having such possession, custody or control as aforesaid shall be presumed, until the contrary is shown, to be liable under this section. — *Primary liability.*

Provided that no person shall be liable to taxation under this section during any half year on account of any vehicle or animal in respect of which a license has already been taken out for the said period within the City

Provided also that the President may exempt from taxation under this section any vehicle none of the wheels of which exceeds 24 inches in diameter and which is used solely for the conveyance of children.

Seizure of unregistered vehicle.

162. The President may at any time seize and detain any cart or vehicle which has not been registered under section 158, together with the animal drawing the same :

Provided that such cart or vehicle shall not be seized and detained when employed in the conveyance of any passenger or goods.

Procedure after seizure.

163. (*1*) If the cart or animal seized under the last preceding section be not claimed and the tax due thereon paid within ten days, from the date of seizure, the President may direct that such cart or animal shall be sold by public auction, and that the proceeds of the sale shall be applied to the payment of (i) the tax due on the cart or animal sold, (ii) such penalty not exceeding the amount of the said tax as the President may direct, and (iii) the charges incurred in connection with the seizure, detention and sale.

(*2*) If there is a surplus after such payment, the President shall, on demand made within six months from the date of sale, pay the same to the owner or any person entitled thereto. If no such demand is made, such surplus shall be forfeited to the Corporation.

(*4*) If the owner of the cart or animal seized under the last preceding section appear within ten days from the date of seizure and claim the same, it shall be returned to him on payment of (i) the tax due thereon, (ii) such penalty not exceeding the amount of the said tax as the President may direct, and (iii) the charges incurred in connection with the seizure and detention.

CHAPTER XVII.

TOLLS ON VEHICLES AND ANIMALS.

Levy of tolls.

164. The Corporation may levy tolls as specified in Schedule VII on any vehicle or animal entering the City :

Provided that this section shall not apply to any vehicle or animal licensed or registered by the Corporation.

Construction of toll-bars, and farming out of tolls.

165. The President may construct toll-bars and gates and gate-keeper's stations, and may—

(*a*) place the collection of the tolls under the management of such persons as he thinks fit, or

(*b*) farm out the same on such terms and conditions as he thinks fit, with liberty to the farmer to exercise all or any of the powers conferred by this Act for the levy and collection of tolls.

Clearance for twenty-four hours by single payment.

166. Not more than a single payment of toll may be demanded in respect of any vehicle or animal during any one period of twenty-four hours counted from midnight to midnight.

Procedure on non-payment of toll.

167. (*1*) If the toll leviable is not paid on demand, the person appointed to collect it may seize and detain such portion of the appurtenances or load of the vehicle or animal in respect of which the toll, or any portion thereof, is due

as will, in his opinion, suffice to defray the amount so due, and, in the absence of such appurtenances or load, may seize and detain the said vehicle or animal

(2) All property seized under sub section (1) shall be sent within twenty-four hours to the President, or to such person as may have been authorized by him to receive and sell property so seized, and the President shall forthwith give public notice that after the expiry of two days, exclusive of Surday from the date of notice he will sell the said property by auction at a place to be specified in the notice

(3) If at any time before the sale has begun, the amount due on account of the toll, together with all expenses incidental to the seizure and detention, is tendered to the President or other person authorized as aforesaid, the property seized shall be forthwith released

(4) If no such tender is made, the property may be sold and the proceeds of such sale shall be applied in payment of (i) the amount due on account of the toll, (ii) such penalty not exceeding the amount of the toll as the President may direct, and (iii) the charges incurred in connection with the seizure, detention and sale

(5) If there is a surplus after such payment, the President shall, on demand made within six months from the date of sale, pay the same to the owner or other person entitled thereto If no such demand is made, such surplus shall be forefeited to the Corporation

168. No toll shall be leviable on any vehicle or animal— Exemptions.

(a) belonging to the Government,
(b) carrying any stores belonging to the Government,
(c) carrying any Municipal or Police Officer on duty, or
(d) carrying any person or property in the custody of a Police Officer

169. (1) The President may compound with any person living outside the City for a certain sum to be paid yearly or half yearly in lieu of all tolls payable under the provisions of this Act, and shall in such case grant the necessary licenses Compositions

(2) Every such composition shall be subject to the sanction of the Standing Committee

170. Any person who,— Unlawful collection of tolls.

(a) not being authorized to collect tolls under this Act, demands or takes any such toll, or

(b) unlawfully demands or takes any other or higher toll than the lawful toll, or

(c) under colour of this Act, seizes, detains or sells any property knowing such seizure, detention or sale to be unlawful, or

(d) in any manner extorts money or any valuable thing under colour of this Act

shall be deemed to have committed an offence punishable under section 384 or section 417 of the Indian Penal Code [1], as the case may be.

Table of tolls.

171. At every toll-bar, gate or station, a table of the tolls leviable shall be put up legibly written or painted in English and in the Tamil, Telugu and Hindustani languages in some conspicuous place near such toll-bar, gate or station.

CHAPTER XVIII.

REVISION.

Decision of complaints and applications for revision by President and two Commissioners.

172. All complaints against and all applications for revision of classification in respect of any tax or toll leviable under Part IV shall be heard and decided by the President and two Commissioners summoned by him. One of such Commissioners shall ordinarily be resident in or representative of the division in which the complainant or applicant resides or carries on business, or in which the property assessed is situated.

Summons to Commissioners.

173. (*1*) The summons shall state the day and hour at which the attendance of the said Commissioners is required, and they shall be bound to attend in accordance therewith.

Fee for attendance.

(*2*) Each of the Commissioners so summoned shall be entitled to a fee of ten rupees for every day's attendance.

Decision by majority.

(*3*) The decision under the last preceding section shall be the decision of the majority.

Method of making complaint or application for revision.

174. No complaint or application for revision under section 172 shall be heard unless the tax has been paid and a petition or application has been lodged in the Municipal office,—

(*a*) in the case of a tax under section 120 within fifteen days from the date of service of the notice prescribed by section 125,

(*b*) in the case of a tax levied under section 129, section 141, section 145, section 146, section 148 or section 149, within the time allowed by section 139, and

(*c*) in the case of any other tax or toll, within seven days from the date of demand :

Provided that the President may in any case admit a complaint or application without prepayment of the tax, and shall do so when the amount of the tax does not exceed five rupees.

Appeal to Magistrates.

175. (*1*) Any person may appeal against a decision under section 172.

(*2*) Such appeal shall be heard and determined by two Magistrates.

(*3*) No appeal shall lie unless—

(*a*) the tax or toll has been paid and a petition of appeal presented within fourteen days from the date of the decision, and

---

[1] General Acts, Vol. I.

(*b*) a notice of intention to appeal to the Magistrates is given to the President within seven days from the date of such decision.

(*4*) Such notice shall state the grounds of appeal and the name, occupation and residence of the appellant or of his attorney or vakil (if any).

(*5*) On the hearing of such appeal no ground of appeal shall, except with the permission of the Magistrates, be relied upon which has not been set forth in the petition of appeal.

176. The Magistrates may, if they think fit, state a case on any appeal before them and refer the same for the decision of the High Court; and shall do so whenever a question of law is involved, if either the President or the appellant applies in writing in that behalf within fifteen days after the Magistrates' determination and deposits such sum as the Magistrates think necessary to defray the cost of the reference. Reference by Magistrates to High Court.

177. (*1*) The High Court may pass such order as they think fit on a reference under the last preceding section. High Court's orders on reference.

(*2*) Upon production of a copy of the order passed under sub-section (*1*) the said Magistrates shall proceed to dispose of the case in conformity with the terms of the order and may direct by whom the costs of the appeal and reference are to be paid.

In the event of the amount of any tax being increased, decreased or remitted, the President shall levy the amount of such increase or grant a refund accordingly.

The assessment, revision or demand of any tax or toll, when no complaint, application or objection is made as hereinbefore provided, and the adjudication of an appeal by the Magistrates shall be final.

CHAPTER XIX.

Collection of Taxes.

178. The President shall cause a bill or notice in respect of any tax due under this Act to be served on or sent to the person liable for the same: Service of bill or notice for tax due.

Provided that in the case of a tax under section 120 or section 150, the notice or bill given under section 125 or section 155, as the case may be, shall be deemed the notice or bill requiring to be served or sent under this section.

179. Such bill or notice shall contain— Contents of bill or notice.

(*a*) particulars of the demand;

(*b*) notice of the liability incurred in default of payment; and

(*c*) if the tax is leviable under section 120 or section 150, notice of the time within which a complaint or an application for revision may be preferred.

180. (*1*) If within fifteen days from the serving or sending of such bill or notice the said tax is not paid, and cause for non-payment is not shown to the Levy of tax by distress.

satisfaction of the President, such tax, with all costs may be levied under a warrant—

(*a*) by distress and sale of the moveable property of the defaulter, or

(*b*) if the defaulter is the occupier of any building or land in respect of which the tax is due, by distress and sale of any property which may be found in or on such building or land.

(*2*) The warrant under sub-section (*1*) may be in the form contained in Schedule VIII.

Power to break open door or window.

181. Any officer charged with the execution of a warrant of distress issued under section 180 may, under the special order of the President to be recorded in writing, between sunrise and sunset, break open any outer or inner door or window of a building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure and if, after notifying his authority and purpose, and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter, or break open the door of, any apartment appropriated to females, until he has given three hours' notice of his intention and has given such females an opportunity to remove.

Inventory and notice of sale.

182. (*1*) The officer charged with the execution of a warrant of distress under the last preceding section shall make an inventory of the property seized, and shall at the same time give notice of sale to the person in possession of the said property at the time of seizure.

(*2*) The said notice may be in the form contained in Schedule IX.

Relation of distress to amount payable.

183. The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the sum due by the defaulter, together with all expenses incidental to the warrant, distress, detention and sale.

Sale of property seized.

184. (*1*) If the warrant is not discharged within the time mentioned therein, the property seized or a sufficient portion thereof may be sold by public auction under the orders of the President, who shall apply the proceeds in payment of the sum due or such part thereof as may be necessary and of all expenses as aforesaid.

(*2*) If the property seized is perishable or if the expense of keeping it and the amount of the tax due will exceed its value, the President shall, after giving notice of sale to the person in possession at the time of seizure, sell the said property at once.

(*3*) The surplus, if any, shall be paid to the person in possession at the time of seizure if application is made within twelve months from the date of sale ; if no such application is made, the surplus shall be forfeited to the Corporation.

(*4*) No Municipal officer shall directly or indirectly purchase any property at any such sale.

Fees on distraints.

185. (*1*) Fees shall be payable on distraints under this Act according to the rates specified in Schedule X.

(2) Such fee shall not include the cost of maintaining any livestock so distrained

186. The property of a person in default under section 180 may be distrained wherever the same may be found. Distraint of property wherever found

187. (*1*) If the sum due from the owner of any building or land on account of any tax due under this Act remains unpaid after a bill or notice has been duly sent or served, the President may demand the same from the occupier of the said building or land, and, on non payment thereof, may recover the same in the manner provided in section 180 Recovery of tax from occupier

Provided that no arrears due from the owner for more than one year shall be so recovered from the occupier

(2) The occupier may in such case deduct from the rent payable by him to the owner so much as is paid or recovered under sub-section (*1*) Deduction by occupier from rent.

188. Instead of proceeding by distress and sale or in case of failure to realize by distress the whole or any part of the sum due in respect of any tax or payment by way of composition for a tax together with the expenses of such distress, the Corporation may sue any person liable in respect of any such tax or payment due to the Corporation, either during the current year in which such tax, expenses or payment is or are due, or at any subsequent period allowed by the law of limitation Recovery of tax by suit. Prosecution for default.

Or in case of non payment of any tax imposed by section 129, section 141, section 145, section 146, section 148, section 149 and section 150 within fifteen days from the date of the service of the bill or notice provided by section 178, the person bound to pay such tax and failing to pay the same shall, on conviction before a Magistrate, be liable to a fine not exceeding twice the amount of the tax found to be due ,

such fine together with any costs of the prosecution which may be awarded by the Magistrate shall be levied in the manner provided by section 151

All arrears of taxes, or other payments, by way of composition for a tax due to the Corporation at the time this Act comes into operation, may be recovered as though they had accrued under this Act. Recovery of arrears due at coming into operation of Act.

189. When the name of the owner or occupier is not known, it shall be sufficient to designate him in any book maintained under this Act, or in any notice or other proceeding specified therein, as the "owner" or the "occupier", as the case may be, of the property on which the tax is leviable. Designation as owner or occupier if name unknown.

190. Taxes levied on buildings and lands shall, subject to the prior payment of the land-revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the moveable property, if any, found within or upon such building or land and belonging to the person liable for such tax Preferential claim of taxes levied on buildings and lands.

191. No assessment and no charge or demand of any tax made under the authority of this Act shall be impeached or affected by reason of any mistake Saving of irregularities

due to defect of form.

in the name, residence, place of business or occupation of any person liable to pay the same, or in the description of any property or thing liable to the tax, or of any mistake in the amount, or by reason of any clerical error or other defect of form.

PART V.

PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER XX.

WATER-SUPPLY.

Powers and Duties of Municipal Authorities in respect of Supply of Water.

Provision of supply of drinking water by Corporation.

192. (*1*) The Corporation shall provide a supply of wholesome drinking water within the City, and shall cause such mains, pipes and taps to be laid and provided therein, and such tanks, reservoirs, engines, or other works to be constructed and maintained either within or without the City as are necessary for the said purpose ; and shall erect sufficient stand-pipes, fountains or other conveniences for the gratuitous supply of water.

(*2*) Such conveniences shall be so placed within the populous parts of the City that there shall be one at a distance not exceeding one hundred and fifty yards measured in a direct line from any house in any public street.

(*3*) The Corporation shall as far as possible make adequate provision that such supply is continuous throughout the year, and that the water is at all times pure and fit for human consumption.

Supply of water for domestic purposes.

193. (*1*) The President may, on application by the owner or occupier of any building, arrange for supplying water to the same for domestic purposes in such quantities as the President deems reasonable, and may at any time limit the amount of water to be so supplied whenever he considers it necessary.

(*2*) The works necessary for such supply and any repair, extension or alteration of the same shall be carried out by the President, and the expense thereof shall be defrayed by the owner or occupier.

(*3*) No additional tax shall be payable in respect of such supply.

Explanation.—A supply of water for domestic purposes shall not be deemed to include a supply—

(*a*) for animals or for washing vehicles, where such animals or vehicles are kept for sale or hire,

(*b*) for any trade, manufacture or business,

(*c*) for fountains, swimming baths, or for any ornamental or mechanical purpose,

(*d*) for gardens or for purposes of irrigation,
(*e*) for watering streets,
(*f*) for flushing purposes,
(*g*) for building purposes

194. (*1*) The

other than a dom

the purpose for which such supply is required and the quantity likely to be consumed — domestic purposes.

(*2*) For all water supplied under sub-section (*1*) payment shall be made at such rate as may be prescribed by the Standing Committee

(*3*) When any application under sub section (*1*) is received, the President may, subject to such charges or rates as may have been fixed by the Standing Committee, place, or allow to be placed, the necessary service-pipes, taps and works (including watermeters) of such dimensions and character as may be fixed by the President, and may arrange for the supply of water through such pipes, taps, works and meters

195. Any owner or occupier of any building or land, in or on which water supplied under this Act is misused from negligence or other circumstances under his control, or used in excess of the quantity fixed under section 193 or the last preceding section, or in which the pipes, mains or other works are out of repair to such an extent as to cause waste of water, shall, if he has knowledge thereof, be bound to give notice of the same to the President — Obligation of owner or occupier to give notice of waste of water

196. If any person whose premises are supplied with water neglects to pay the water and drainage tax, or any sum payable under section 193 or section 194, when due, or to give notice as provided in the last preceding section, or negligently misuses or causes waste of water, the President may cut off the supply of water from the said premises — Cutting off of supply to premises

197. The Corporation shall make and maintain sufficient fences and boundaries on each side of any channel by which water is brought for the supply of the City — Fencing of supply channel

198. It shall not be lawful for any person except with permission duly given and obtained to enter on land belonging to the Corporation along which the conduit runs, or on any premises connected with the supply — Trespass on land where conduit runs or premises connected with supply

199. If any person contravenes the provisions of the last preceding section, and his name and address is unknown, or if there is reason to believe that he will abscond, he may be dealt with under the provisions of section 57 of the Code of Criminal Procedure, 1898[1] — Procedure if name and address of trespasser unknown.

200. The President may, with the consent of the Corporation and the sanction of the Local Government, construct filtering tanks, reservoirs, engines, conduits, or other works without the limits of the City for bringing water into — Construction of water works.

[1] General Acts, Vol. V

the same, and may provide tanks, reservoirs, mains, fountains and other conveniences within the said limits for the use of the inhabitants.

Vesting of water-works in Corporation.

201. All public tanks, reservoirs, pipes, conduits, and other works (not being the property of the Government) connected with the supply of water to the City, whether made at the cost of the Corporation or otherwise, and all bridges, buildings, engines and other things connected therewith and all land (not being private property or the property of the Government) adjacent and appertaining to the same, shall vest in the Corporation.

Powers of Corporation in executing works without City.

202. If a project for laying pipes or constructing conduits for bringing water into the City from any place beyond the limits of the same has been approved by the Local Government, the Corporation and their officers and servants may, in the execution and for the purposes of the work—

(*a*) exercise throughout the line of country through which such pipes or conduits are to run all the powers which they may exercise under this Act within the City;

(*b*) exercise, with the sanction of the Local Government, like powers over any lake or reservoir from which a supply of water for the use of the City is derived and over all lands at a distance not exceeding one thousand yards beyond the high-water level of such lake or reservoir.

Jurisdiction of Magistrate without City in respect of such works.

203. The Magistrate of any district through which such pipe or conduit runs may exercise in respect of the work the same powers and jurisdiction as a Magistrate may under this Act exercise in respect of any work executed by a Municipal authority within the City.

Power of President in respect of laying pipes.

204. The President may carry any pipe for the water-supply of the City through, across or under any street or other place, or into or under any building, cellar or vault.

Notice and compensation to owner of property affected.

205. The President shall give reasonable notice of his intention to proceed under section 204 to the owner or occupier of any premises affected by the work, and the President with the sanction of the Standing Committee shall pay compensation to any person who sustains damage by the exercise of such power.

Prohibition against damage to works.

206. No person shall by any wrongful act break, injure or cause damage to any work connected with the supply of water to the City.

Prohibition against opening or removal of lock, cock or pipe.

207. It shall not be lawful for any person without due authority to open or remove any lock, cock or pipe, or to draw off or take water from any work, belonging to or under the control of the Corporation.

CHAPTER XXI.

Drains, Latrines and Urinals.

Drainage.

Maintenance of system of drainage by Corporation.

208. (*1*) The Corporation shall so far as the means at their disposal permit provide and maintain a sufficient system of drainage throughout the City.

(2) The Corporation shall cause all public drains and other such works belonging to them to be so constructed and maintained as not to be a nuisance, and shall construct such works as are necessary in that behalf

Vesting of drains in Corporation.

209. All public drains, pipes and drainage works in, alongside or under the streets or any building existing at the time of the coming into operation of this Act or afterwards made, and whether made at the cost of the Corporation or otherwise, and all works, materials and things appertaining thereto shall vest in the Corporation

Requisition to raise or lower level of railway line

210. If the Corporation conduct any drain, or other work connected with the drainage of the City across a line of railway, they may, with the sanction of the Local Government and at the cost of the Municipal fund, require the owners of such line to raise or lower the level thereof

Application of sections 202 to 206 to drainage works

211. The provisions of section 202 to section 206 inclusive shall be applicable to any drain or other such work constructed or to be constructed by the Corporation

Power of President to improve drains

212. (*1*) The President may, with the sanction of the Standing Committee, enlarge, alter, arch over or otherwise improve any drain, and may discontinue, close up, or destroy any drain which is, in his opinion, unnecessary

(2) If by anything done under sub section (*1*) any person is deprived of the lawful use of any drain, the means of drainage into some public drain, tidal river or other place that may lawfully be used for that purpose shall be provided at the cost of the Municipal fund

Disposal of sewage

213. The President may cause any drain to communicate with and be emptied into any fit place, so that a nuisance shall not thereby be created, or cause the sewage or offensive matter from such drain to be conveyed by proper means to a convenient site for its deposit The Corporation may use or sell such sewage or offensive matter for agricultural or other purposes as they deem expedient but so that the same shall not become a nuisance

Right of owner or occupier to empty his house drain into Municipal drain.

214. The owner or occupier of any premises shall be entitled to cause his house drain to empty into a Municipal drain provided that he first obtains the written permission of the President, and that he complies with such conditions as the President prescribes as to the mode in which and the superintendence under which communications between house drains and Municipal drains are to be made

Unauthorized connection with Municipal drain

215. (*1*) No person shall without complying with the provisions of section 214 make or cause to be made any connection of a house drain with a Municipal drain

(2) The President may with the approval of the Standing Committee close, demolish, alter or remake any such connection made in contravention of sub section (*1*), and the expenses incurred by the President in so doing shall be paid by the owner or occupier of the premises for the benefit of which the connection was made or by the person offending

Unauthorized construction of buildings over public drains.

216. It shall not be lawful for any person without the permission of the President to construct any building over a public drain or any part thereof.

Construction of culverts by owner or occupier.

217. (*1*) The President may by notice direct the owner or occupier of any building or land adjoining a public road or street to construct culverts over the side-channels or ditches at the entrances to the said building or land.

(*2*) Such culverts shall be of the form and size and consist of such materials as may be specified in the said notice, and shall be maintained and kept free from all obstruction at the expense of the said owner or occupier.

Power of President to enforce construction of house-drains.

218. (*1*) If any building is at a distance not exceeding one hundred and fifty feet from a public drain or place of outfall of the same, the President may by notice direct the owner of the said building to construct a house-drain leading therefrom to such drain or place of outfall, as the case may be.

(*2*) Such drain shall be of the form and size, and constructed of such materials as may be specified in the said notice, and shall be at such level and have such fall as the President may direct.

Connection between house-drains.

219. When a house-drain belonging to one or more persons has been laid in any private street or passage which is common to more than one building, and the President considers it desirable that any other premises should be drained into such drain, he may by written notice require the owner of such premises to connect his house-drain with such first-mentioned drain; and the owners of such first-mentioned drain shall thereupon be bound to permit such connection to be made:

Provided that no such connection shall be made except upon such terms as may be prescribed by the Standing Committee and until any payment which may be directed by the Standing Committee has been duly made.

Draining of buildings by combined operation.

220. (*1*) If it appears to the President that any group or block of buildings may be drained more economically or advantageously in combination than separately and a public drain of sufficient size already exists or is about to be constructed within one hundred and fifty feet of any part of such group or block of buildings, the President may, with the approval of the Standing Committee, cause such group or block of buildings to be drained by a combined operation; and the expenses thereby incurred shall be paid by the owners of such buildings, or in the case of land occupied by huts, by the owners of the land, in such proportions as the Standing Committee may think fit.

(*2*) Not less than fifteen days before any work under this section is commenced, the President shall give written notice to the owners of all the land or buildings to be drained, of the nature of the proposed work, and an estimate of the expenses about to be incurred in respect thereof, and the proportion payable by each owner.

Maintenance of troughs and pipes for

221. The owner or occupier of any building in a public street shall, within fifteen days after receipt of notice in that behalf from the President, put up and thence-forward maintain, proper troughs and pipes for catching and

carrying the water from the roof and other parts of such building, and for discharging the same in such manner as the President may allow catching water

Public Latrines and Urinals

222. The President shall, so far as the means at his disposal permit, provide and maintain in proper and convenient places a sufficient number of public latrines and urinals so constructed as not to be a nuisance, and shall cause the same to be daily cleansed and kept in proper order Provision of public latrines and urinals

223. (*1*) The President may license, for any period not exceeding one year, the provision and maintenance of latrines or urinals for public use Licensing of public latrines and urinals

(*2*) No person shall keep a public latrine or urinal without a license under sub section (*1*)

(*3*) Every licensee of a public latrine or urinal shall maintain it in a clean condition and in proper order

Private Latrines and Urinals

224. (*1*) The owner or occupier of every building shall, within fourteen days after receiving notice from the President, provide a latrine or alter any existing latrine in accordance with the direction contained in such notice for the use of the persons employed in or about or occupying such building, and shall keep the same in a clean and proper manner, and every owner or occupier of the ground on which any parcherry or block of six or more huts stands shall provide such latrines as the President may require for the use of the inhabitants of such parcherry or block of huts Provision of latrines by owner or occupier

(*2*) Such latrine shall be sufficiently screened from the view of persons passing by or residing in the neighbourhood

225. Every person employing workmen, labourers or other persons exceeding twenty in number shall provide and maintain for the separate use of persons of each sex so employed latrines and urinals of such description and number as the President may consider necessary, and shall keep the same in a clean condition Provision of latrines and urinals for labourers

226. Every owner or manager of a market, cart stand or cattle-stand shall, within fourteen days from the date of receipt of notice from the President, provide and maintain for the separate use of persons of each sex latrines and urinals of such description and number and in such a position as the President may require, and shall keep the same in a clean condition Provision of latrines and urinals for markets, cart stands and cattle stands

227. All house-drains, whether within or without the building or land to which they belong, and all private latrines, privies and cesspools within the City shall be under the control of the Corporation, and shall be altered, repaired and kept in proper order at the expense and charge of the owner of the building or land to which the same belong or for the use of which they were constructed Control over house drains, privies and cesspools

CHAPTER XXII.

STREETS.

Vesting of Streets in the Corporation.

Vesting of public streets and their appurtenances in Corporation.

228. All public streets in the City (not being the property or kept under the control of the Government), and the side-drains, pavements, stones and other materials thereof, and all erections, materials, implements and other things provided for such streets, and all trees not being private property, growing thereon or by the side thereof, shall vest in the Corporation.

Construction, Maintenance, Repair and Protection of Public Streets.

Maintenance and repair of streets.

229. The Corporation shall, at the cost of the Municipal fund, cause the public streets to be maintained and repaired and for those purposes may from the same fund meet the cost of all improvements which are necessary or expedient for the public safety or convenience.

Powers of Standing Committee.

230. (*1*) The Standing Committee may, with the sanction of the Corporation,—

(*a*) lay out and make new streets ;

(*b*) construct bridges and sub-ways ;

(*c*) turn, divert, or, with the sanction of the Local Government, permanently close any public street or part thereof ; and

(*d*) widen, open, enlarge or otherwise improve any public street.

(*2*) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are required for or affected by any such purposes.

Power to dispose of portions of permanently closed streets.

231. (*1*) When any public street is permanently closed under section 230, the Corporation may, subject to the provisions of section 406, sell or lease the site of so much of the roadway and foot-path as is no longer required, making due compensation to any person injured by such closing.

(*2*) In determining such compensation, the court shall make allowance for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street at or about the same time that the public street, on account of which the compensation is paid, is closed.

Acquisition of land and buildings for improvement of streets.

232. (*1*) The President, with the approval of the Corporation, may, acquire any land required for the purpose of opening, widening, extending or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land.

(*2*) The President, with the approval of the Corporation and the sanction of the Local Government, may acquire, in addition to land and buildings acquired under sub-section (*1*), any land outside the proposed street alignment with the buildings, if any, standing thereupon, which the Corporation may

in the exercise of any of the powers conferred by sub section (*1*), consider it expedient to acquire

Provided that, in any case in which it is decided to acquire any land under this sub section, the owner of such land may retain it by paying to the Corporation an annual sum to be fixed by the Standing Committee in that behalf, or a lump sum to be fixed by the Standing Committee, not being less than twenty five times such annual sum

(*3*) If any sum payable in pursuance of the proviso to sub section (*2*) in respect of any land be not duly paid, the same shall be recoverable in the manner provided by this Act for the collection of taxes, and, if not so recovered, the President may enter upon the land and sell the same, with any erections standing thereon, by public auction, and may deduct the said sum and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter

(*4*) Any sum paid in pursuance of the proviso to sub-section (*2*) or recovered under sub section (*3*) in respect of any land shall be left out of account in determining the annual value of such land for the purpose of assessing it to the taxes mentioned in clauses (*b*), (*c*) and (*d*) of section 115

(*5*) Any land or building acquired under sub section (*2*) may be sold, leased or otherwise disposed of by the Standing Committee after public advertisement, and any conveyance made for that purpose may comprise such conditions as the Committee think fit as to the removal of the existing building (if any), the description of new building (if any) to be erected, the period within which new building (if any) shall be completed, and any other similar matters

(*6*) The Standing Committee may require any person to whom any land or building is transferred under sub section (*5*) to comply with any conditions comprised in the said conveyance before they place him in possession of the land or building

233. (*1*) If the Standing Committee consider it expedient to define the general line of buildings on each or either side of any public street at the time in existence, they shall give public notice of their intention so to do — Power to define general line of buildings.

(*2*) Such line shall not be defined so as to extend further back than the line of the wall abutting on the street at its widest part

(*3*) Every such notice shall specify a period within which objections will be received

(*4*) The Standing Committee shall consider all objections received within the said period, and may then make an order defining the said line

(*5*) Such order shall be published in the *Fort St George Gazette*, and shall take effect from the date of such publication

234. No portion of any building or wall abutting on a public street shall be constructed within the line (if any) defined under section 233 — Restrictions on construction of buildings or within line.

Provided that the Standing Committee may, in their discretion, permit additions to be made within such line if they merely add to the height of, and

(*2*) The provisions of this Act and of any rules or by-laws made thereunder as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (*1*); and all the particulars referred to in that sub-section shall be subject to approval by the Standing Committee.

(*3*) Within sixty days after the receipt of any notice under sub-section (*1*), the Standing Committee shall either sanction the making of the street, or disallow it, or ask for further information with respect to it.

(*4*) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the Standing Committee likely to be made, for carrying out any general scheme of street improvement,

(ii) if the proposed street does not conform to the provisions of this Act referred to in sub-section (*2*), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(*5*) If further information is asked for, no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information.

Prohibition of breach of section 242.

243. No person shall make or lay out any street referred to in section 242, sub-section (*1*), until he has obtained the sanction of the Standing Committee under that section or in contravention of any orders made thereunder.

Alteration or demolition of street made in breach of section 242.

244. (*1*) If any person makes or lays out any street referred to in section 242, sub-section (*1*), without having obtained the sanction of the Standing Committee under that section, or in contravention of any orders made thereunder, the President may, with the sanction of the Standing Committee, whether or not the offender be prosecuted under this Act, by written notice,—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the President on or before such day as may be specified in the notice why such street should not be altered to the satisfaction of the President, or, if such alteration be impracticable, why such street should not be demolished, or

(*b*) require the offender to appear before the President, either personally or by a duly authorised agent, on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(*2*) If any person on whom such notice is served fails to show sufficient cause, to the satisfaction of the President, why such street should not be so altered or demolished, the President may cause the street to be so altered or demolished, and the expenses thereof shall be paid by such person.

Power of President to order work to

245. (*1*) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, drained and lighted to the satisfaction of the Presi-

dent, he may by notice require the owners or occupiers of buildings or lands fronting or abutting on such street or part thereof, to carry out any work which in his opinion may be necessary, and within such time as may be specified in such notice

be carried out or to carry it out himself in default

(2) If such work is not carried out within the time specified in the notice, the President may, if he thinks fit, execute the same, and the expenses incurred shall be paid by the owners or occupiers in default according to the frontage of their respective buildings or lands and in such proportion as may be settled by the President

246. If any street has been levelled paved, metalled flagged, channelled, drained and lighted under the provisions of the last preceding section such street shall, on the requisition of not less than three fourths of the owners thereof, be declared a public street

Right of owners to require street to be declared public

Projections and Obstructions in Streets

247. No one shall build any wall or erect any fence or other obstruction or encroachment in any street or in or over any drain except as hereinafter provided

Prohibition against obstructions in streets or over drains

248. (*1*) The President may give notice to the owner or occupier of any building or land to remove or alter within thirty days from the date of receipt of such notice any projection, encroachment or obstruction made against or in front of such building or land in any public street

Removal of encroachments

(*2*) If the owner or occupier of the building proves that any such projection, encroachment or obstruction was erected before the first day of November, one thousand eight hundred and sixty five, or that it was erected on or after that day with the consent of any Municipal authority duly empowered in that behalf, the Corporation shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same

249. The President may—

Power to allow certain projections and erections.

(*a*) grant permission to the owner or occupier of any building or land in a public street, to put up verandahs, balconies, sunshades, weather frames and the like, to project over the pyals and pavements in front of the same or over the street, or to construct any step or drain covering necessary for access to the building or land,

(*b*) grant permission, with the concurrence of the Commissioner of Police, for any temporary erection in a public street on occasion of festivals and ceremonies

Provided that such permission shall in no case be granted if the projection, or erection, as the case may be, is likely to cause public inconvenience

250. (*1*) The President shall, during the construction or repair of any street, drain or premises vested in the Corporation

Precautions during repair of streets.

(*a*) cause the same to be fenced and guarded,

(*b*) take proper precautions against accident by shoring up and protecting the adjoining buildings, and

(*c*) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(*2*) The President shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(*3*) The President shall, with all reasonable speed, complete the said work, fill in the ground, and repair the said drain, street or premises, and carry away the rubbish occasioned thereby.

Prohibition against removal of bars and lights.

251. No person shall without lawful authority remove any bar, chain, post, or shoring timber or remove or extinguish any light set up under the provisions of the last preceding section.

Prohibition against making holes and causing obstruction.

252. (*1*) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the President and complies with such conditions as he may impose.

(*2*) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed, until the hole or obstruction is filled up or removed, and shall cause such hole or obstruction to be sufficiently lighted during the night.

License for work on buildings likely to cause obstruction.]

253. If any person intends to construct or demolish any building, or to alter or repair the outward part thereof, and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a license from the President in that behalf, and shall also—

(*a*) cause the said building to be fenced and guarded,

(*b*) sufficiently light the same during the night, and

(*c*) take proper precautions against accidents,

during such time as the public safety or convenience requires.

Naming of Streets.

Naming of public streets.

254. (*1*) The President shall cause to be put up or painted in English and in at least one vernacular language on a conspicuous part of some building, wall or place, at or near each end, corner or entrance of every public street, the name by which the same is to be known.

(*2*) No person shall without lawful authority destroy, pull down or deface any such name, or put up any name different from that put up by order of the President.

Numbers on Buildings.

Numbering of buildings.

255. (*1*) The President may cause a number to be affixed to the side or outer door of any building, or to some place at the entrance of the enclosure thereof.

(b) take proper precautions against accident by shoring up and protecting the adjoining buildings, and

(c) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The President shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The President shall, with all reasonable speed, complete the said work, fill in the ground, and repair the said drain, street or premises, and carry away the rubbish occasioned thereby.

Prohibition against removal of bars and lights.

251. No person shall without lawful authority remove any bar, chain, post, or shoring timber or remove or extinguish any light set up under the provisions of the last preceding section.

Prohibition against making holes and causing obstruction.

252. (1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the President and complies with such conditions as he may impose.

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed, until the hole or obstruction is filled up or removed, and shall cause such hole or obstruction to be sufficiently lighted during the night.

License for work on buildings likely to cause obstruction.

253. If any person intends to construct or demolish any building, or to alter or repair the outward part thereof, and if any street or foot-way is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a license from the President in that behalf, and shall also—

(a) cause the said building to be fenced and guarded,

(b) sufficiently light the same during the night, and

(c) take proper precautions against accidents,

during such time as the public safety or convenience requires.

Naming of Streets.

Naming of public streets.

254. (1) The President shall cause to be put up or painted in English and in at least one vernacular language on a conspicuous part of some building, wall or place, at or near each end, corner or entrance of every public street, the name by which the same is to be known.

(2) No person shall without lawful authority destroy, pull down or deface any such name, or put up any name different from that put up by order of the President.

Numbers on Buildings.

Numbering of buildings.

255. (1) The President may cause a number to be affixed to the side or outer door of any building, or to some place at the entrance of the enclosure thereof.

(2) No person shall without lawful authority destroy, pull down or deface any such number

(3) When a number has been affixed under sub section (1), the owner of the building shall be bound to maintain such number and to replace it if moved or defaced, and if he fails to do so, the President may, by written notice, require him to replace the same

Dangerous Buildings, Trees, Tanks, Wells and Holes

256. If the President considers that any building, tree, or anything affixed thereto or attached thereto is in a ruinous state, or is likely to fall, or is in any way dangerous to the inhabitants of such building or to the neighbouring buildings or to the occupiers thereof or to passengers he shall— Precautions in case of building in ruinous state.

(a) immediately cause a proper hoarding or fence to be put up for the protection of such inhabitants, occupiers, passengers, and

(b) send a notice to the owner if he be known and resident within the City and to the occupier, if any, of the premises within which such building or thing is situated requiring him within a specified time to take down, secure or repair the same, or to take such other measures as may in the said notice be specified as necessary

257. If such owner or occupier do not begin to repair, take down or secure the same or to take such other measures as aforesaid within three days after service of such notice and complete such work within the period so specified, the President may cause all or so much of the building, tree or thing, as he thinks necessary, to be taken down, secured or repaired, or such other measures to be taken as in the notice required, using, if and as he thinks fit, the materials of the said building and the tree and the thing so fixed or attached for such repairs All the expenses so incurred shall be recoverable from the owner or occupier in the manner provided in section 446 Procedure in default of owner to take precautions.

258. (1) If any building, tree or other thing, or part thereof, is taken down by the President under the provisions of the last preceding section, he may sell the materials and apply the proceeds towards payment of the expenses incurred Sale of materials.

(2) For compelling the payment of so much of the said expenses as may remain due after applying the sale-proceeds as aforesaid, the President shall have the same remedies as are by this Act given to him for compelling the payment of the whole of the said expenses

(3) If there is a surplus, the President shall, on demand made within twelve months from the date of sale, pay the same to the owner or other person entitled thereto If no such demand is made, such surplus shall be forfeited to the Corporation

(4) The provisions of section 235 shall apply to the case of buildings taken down or repaired under section 257.

Dangerous tank, well, hole or other place.

259. If any tank, well, or hole or other place, whether on public or private land, is, for want of sufficient repair, protection or enclosure, dangerous to passengers or to persons living in the neighbourhood, the President may by notice require the owner or occupier of the land to fill up, repair, protect or enclose such place.

CHAPTER XXIII.

BUILDING REGULATIONS.

Building-sites and construction or reconstruction of buildings.

260. After the commencement of this Act, no piece of land shall be used as a site for the construction of a building, and no building shall be constructed or reconstructed, otherwise than in accordance with the provisions of this Part and of Schedule XI or Schedule XII, as the case may be, and of any rules or by-laws made under this Act relating to the use of building-sites or the construction or reconstruction of buildings.

Power of Corporation to regulate future construction of certain classes of buildings, in particular streets or localities.

261. (*1*) The Corporation may, at the instance of the Standing Committee, give public notice of their intention to declare—

(*a*) that, in any streets or portions of streets specified in the notice,—

(i) continuous building will be allowed,

(ii) the elevation and construction of the frontage of all masonry buildings thereafter constructed or reconstructed shall, in respect of their architectural features, be such as the Standing Committee may consider suitable to the locality, or

(*b*) that, in any localities specified in the notice, the construction of only detached buildings will be allowed, or

(*c*) that, in any streets, portions of streets, or localities specified in the notice, the construction of shops, warehouses or huts will not be allowed without the special permission of the Standing Committee.

(*2*) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(*3*) The Standing Committee shall consider all objections received within the said period, and shall then report to the Corporation, who may prepare a declaration relating to the streets or localities referred to in the notice, and submit the declaration to the Local Government, together with the said objections, if any, and their report upon them.

(*4*) The Local Government, after considering the said objections, if any, may confirm the declaration, and before doing so may modify it, but not so as to extend its effect.

(*5*) When any such declaration has been so confirmed, it shall be published and shall take effect from the date of such publication.

(*6*) No person shall construct or reconstruct any building in contravention of any such declaration.

262. No external roof, verandah, pandal or wall of a building shall be made of grass, leaves, mats or other inflammable materials except with the written permission of the President

Prohibition against use of inflammable materials for buildings.

263. No door, gate, bar, or ground floor window which opens on any public street shall be made so as to open outwards

Prohibition against making doors windows and bars open outwards

264. (*1*) If any person intends to construct, or reconstruct a masonry building, he shall send to the President—

Application to construct or reconstruct masonry building

(*a*) an application in writing for approval of the site together with a site plan of the land, and

(*b*) an application in writing for permission to execute the work, together with a plan of the building and complete elevations, sections and specification of the work

(*2*) Every document furnished under sub section (*1*) shall contain the particulars and be prepared in the manner prescribed in this behalf in Schedule XII

265. The President shall not grant permission to construct or reconstruct a masonry building unless and until he has approved of the site on an application made under the last preceding section

Necessity for prior approval of site

266. The construction or reconstruction of a masonry building shall not be commenced unless and until the President has granted written permission for the execution of the work on an application sent to him under section 264

Prohibition against commencement of work without permission

267. Within thirty days after the receipt of any application made under section 264 for approval of a site or of any information or further information required under Schedule XII, or within fifteen days after the President has been satisfied that there are no objections which may lawfully be taken to the approval of the site, the President shall, by written order, either approve the site or refuse, on one or more of the grounds mentioned in section 271 to approve the site

Period within which President is to signify approval or disapproval of site

Provided that the making of such order shall not in any case be delayed for more than thirty days after the President has received all the information which he considers necessary to enable him to deal finally with the said application

268. Within thirty days after the receipt of any application made under section 264 for permission to execute any work, or of any information or documents or further information or documents required under Schedule XII, or within fifteen days after the President has been satisfied that there are no objections which may lawfully be taken to the grant of permission to execute the work, the President shall, by written order, either grant permission to

Period within which President is to grant or refuse to grant permission to execute work.

execute the work or refuse, on one or more of the grounds mentioned in section 271 or section 272, to grant such permission :

Provided that the said period of thirty days shall not, in any of the cases mentioned in this section, begin to run until the site has been approved under section 267 :

Provided also that the making of such order shall not in any case be delayed for more than thirty days after the President has received all the information which he considers necessary to enable him to deal finally with the said application.

Record of reasons when approval or permission is refused and appeal against refusal.

269. *(1)* Whenever the President refuses to approve a building site for a masonry building, or to grant permission to construct or reconstruct a masonry building, he shall state specifically the grounds for such refusal, and the applicant may appeal to the Standing Committee against such refusal.

(2) The decision of the Standing Committee shall be final.

(3) If the Standing Committee reject any such appeal, they shall, by written order, specifically state the grounds for such rejection.

Reference to Standing Committee if President delays grant or refusal of approval or permission.

270. *(1)* If, within the period prescribed by section 267 or section 268, as the case may be, the President has neither given nor refused his approval of a building-site, or his permission to execute any work, as the case may be, the Standing Committee shall be bound, on the written request of the applicant, to determine, by written order, immediately on the expiration of such period, whether such approval or permission should be given or not.

(2) If the Standing Committee do not, within fifteen days from the receipt of such written request, determine whether such approval or permission should be given or not such approval or permission shall be deemed to have been given ; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made thereunder.

Grounds on which approval of site for, or permission to construct or reconstruct, masonry building may be refused.

271. The only grounds on which approval of a site for the construction or reconstruction of a masonry building, or permission to construct or reconstruct a masonry building, may be refused are the following, namely:—

(1) that the work, or any of the particulars comprised in the site-plan, building plan, elevations, sections or specification would contravene some specified provision of this Act or some specified order, rule or by-law made thereunder ;

(2) that the application for such permission does not contain the particulars or is not prepared in the manner prescribed in Schedule XII ;

(3) that any of the documents referred to in section 264 have not been signed as prescribed in the said Schedule ;

(4) that any information or documents required by the President under the said Schedule has or have not been duly furnished; or

(5) that the applicant has not satisfied the President that there are no objections which may lawfully be taken, on any of the grounds hereinbefore in this section mentioned, to the grant of the said approval or permission.

272. Notwithstanding anything contained in section 271,— *Special powers for suspending or granting permission to construct masonry buildings.*

(*a*) if any street shown in the site-plan is an intended private street, the President may at his discretion refuse to grant permission to construct a masonry building or to convert one or more huts or temporary structures into a masonry building until the street is commenced or completed, and

(*b*) the President may for special reasons grant permission to construct a masonry building, or to convert one or more huts or temporary structures into a masonry building, on any site without reference to its position in relation to any street

273. If the construction or reconstruction of any masonry building is not commenced within one year after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this Chapter *Lapse of permission, if not acted upon within one year*

274. The President may inspect any masonry building during the construction or reconstruction thereof, or within one month from the date of receipt of the notice given under section 143 *Inspection by President*

275. (*1*) If, on inspection, the President finds that the work— *Power of President to require alteration of work.*

(*a*) is otherwise than in accordance with the plans which have been approved, or

(*b*) contravenes any of the provisions of this Act or any by law or rule made thereunder,

he may by notice require the owner of the building within a period stated either—

(i) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans or provisions, or

(ii) to show cause why such alterations should not be made

(*2*) If the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in such notice

(*3*) If the owner shows cause as aforesaid, the President shall by an order cancel the notice issued under sub section (*1*), or confirm the same subject to such modifications as he may think fit

(*4*) An appeal shall lie to the Standing Committee from any requisition made under sub-section (*1*) or order passed under sub-section (*3*)

(*5*) The decision of the Standing Committee shall be final

276. Notwithstanding anything contained in any of the preceding sections, the President may at any time stop the construction or reconstruction of any masonry building if in his opinion the work in progress endangers human life *Stoppage of work endangering human life*

277. The provisions of section 261, section 265, section 266, section 273, section 274, section 275, and the last preceding section shall be held to apply to a well *Application of certain sections to wells.*

Provided that in the case of a well the President may in his discretion dispense with such of the particulars specified in clause (*a*) of sub-section (*1*) of section 264 as he thinks fit.

Application to construct or reconstruct hut.

278. (*1*) Every person who intends to construct or reconstruct a hut shall send to the President—

(*a*) an application for permission to execute the work, and

(*b*) a site-plan of the land.

(*2*) Every such application and plan shall contain the particulars and be prepared in the manner prescribed in this behalf in Schedule XII.

Prohibition against commencement of work without permission.

279. The construction or reconstruction of a hut shall not be commenced unless and until the President has granted written permission for the execution of the work on an application sent to him under section 278.

Period within which president is to grant or refuse to grant permission to execute work.

280. Within fourteen days after the receipt of any application made under section 278 for permission to construct or reconstruct a hut, or of any information or plan or further information or fresh plan required under Schedule XII, or within fourteen days after the President has been satisfied that there are no objections which may lawfully be taken to the execution of the work, the President shall, by written order, either grant such permission or refuse, on one or more of the grounds mentioned in section 283, to grant it:

Provided that the making of such order shall not in any case be delayed for more than fourteen days after the President has received all the information which he considers necessary to enable him to deal finally with the said application.

Record of reasons when permission is refused and appeal against refusal.

281. (*1*) Whenever the President refuses to grant such permission as aforesaid, he shall state specifically the grounds for such refusal, and the applicant may appeal to the Standing Committee against such refusal.

(*2*) The decision of the Standing Committee shall be final.

(*3*) If the Standing Committee reject any such appeal, they shall, by written order, specifically state the grounds for such rejection.

Reference to Standing Committee if President delays grant or refusal of permission.

282. (*1*) If, within the period prescribed by section 280, the President has neither granted nor refused to grant permission to construct or reconstruct a hut, the Standing Committee shall be bound, on the written request of the applicant, to determine by written order, immediately on the expiration of such period, whether such permission should be granted or not.

(*2*) If the Standing Committee do not, within thirty days from the receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted, and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made hereunder.

283. The only grounds on which permission to construct or reconstruct a hut may be refused are the following namely — Grounds on which permission to construct or reconstruct hut may be refused

(*1*) that the work would contravene some specified provision of this Act or some specified order, rule or by law made thereunder,

(*2*) that the application for such permission does not contain the particulars or is not prepared in the manner prescribed in Schedule XII,

(*3*) that any information or plan required by the President under the said Schedule has not been duly furnished, or

(*4*) that the applicant has not satisfied the President that there are no objections which may lawfully be taken on any of the grounds hereinbefore in this section mentioned, to the grant of the said permission

284. If the construction or reconstruction of any hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this Chapter Lapse of permission if not acted upon within six months.

285. The owner or occupier of any premises adjoining a public street shall keep the external walls thereof in proper repair with lime plaster or other material to the satisfaction of the President Maintenance of external walls in repair

286. (*1*) The provisions of this Chapter and of any rules or by-laws made under this Act relating to construction and reconstruction of buildings shall also be applicable to any alteration thereof or addition thereto Application of provisions to alterations and additions

Provided that works of necessary repair which do not affect the position or dimensions of a building shall not be deemed an alteration or addition for the purposes of this section

(*2*) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building, such question shall be referred to the Standing Committee whose decision shall be final

287. (*1*) If the President is satisfied— Demolition or alteration of building work unlawfully commenced, carried on or completed

(i) that the construction or reconstruction of any building—

(*a*) has been commenced without obtaining the permission of the President, or, (where an appeal or reference has been made to the Standing Committee) in contravention of any order passed by the Standing Committee, or

(*b*) is being carried on, or has been completed otherwise than in accordance with the particulars on which such permission or orders was or were based, or

(*c*) is being carried on or has been completed in breach of any of the provisions of this Act or of any by law or rule made thereunder, or of any direction or requisition lawfully given or made under this Act or such rules or by laws, or

(ii) that any alterations required by any notice issued under section 275 have not been duly made, or

(iii) that any alteration of, or addition to, any building, or any other work made or done for any purpose in, to, or upon any building, has been commenced or is being carried on or has been completed in breach of section 286,

he may make a provisional order requiring the owner of the building to demolish the work done, or so much of it as, in the opinion of the President, has been unlawfully executed, or to make such alterations as may in the opinion of the President be necessary to bring the work into conformity with the Act, by-law, rule, direction or requisition as aforesaid, or with the plans or particulars on which such permission or orders was or were based.

(*2*) The President shall serve a copy of the provisional order made under sub-section (*1*) on the owner of the building, together with a notice requiring him to show cause within a reasonable time to be named in such notice, why the order shall not be confirmed.

(*3*) If the owner fails to show cause to the satisfaction of the President, the President may confirm the order, and such order shall then be binding on the owner, provided that an appeal against any order, made permanent under this sub-section, shall lie to the Standing Committee, whose decision shall be final.

Exemptions.

288. The following buildings shall be exempted from the provisions of this Chapter, other than sections 262 and 263 :—

(*a*) any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, summer-house (not being a dwelling-house), poultry-house or aviary, provided the building be wholly detached from, and situated at a distance of at least ten feet from, the nearest adjacent building, and

(*b*) any building constructed or intended to be constructed by, or with the sanction of, the Corporation or the Standing Committee for use solely as a temporary hospital for the reception and treatment of persons suffering from any dangerous disease.

Erection of brackets for wires or lamps.

289. The President may erect or fix on the outside of any building such brackets for telegraphic or telephonic wires or for lamps as are deemed necessary :

Provided that such brackets shall be so erected as to occasion the least practicable nuisance or inconvenience to the owner or occupier of such building or of any building in the neighbourhood.

CHAPTER XXIV.

LIGHTING.

Provision for lighting public streets.

290. (*1*) The President shall—

(*a*) take measures for lighting in a suitable manner the public streets and public markets and all buildings vested in the Corporation;

(*b*) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for such lighting, and

(*c*) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the Corporation may, with the sanction of the Local Government, determine

(*2*) The President may place and maintain electric wires for the purpose of lighting such lamps under, over, along or across any immoveable property, and place and maintain posts, poles, standards and other contrivances for carrying, suspending or supporting lamps or electric wires in or on such property

Provided that such wires, posts poles standards and other contrivances shall be so placed as to occasion the least practicable nuisance or inconvenience to any person

291. No person shall without lawful authority take away or wilfully break, throw down, or otherwise damage— **Prohibition against removal or damage of lamps and their appurtenances**

(*a*) any lamp, lamp post or lamp-iron set up in a public street or public market or in or on any building vested in the Corporation,

(*b*) any electric wire for lighting any such lamp, or

(*c*) any post, pole, standard or other contrivance for carrying suspending or supporting any such lamp or electric wire,

and no person shall wilfully extinguish the light, or damage the appurtenances, of such lamp

CHAPTER XXV

SANITATION

292. The President shall provide or appoint, in proper and convenient situations, public receptacles, depôts and places for the temporary deposit or final disposal of rubbish, offensive matter, carcasses of dead animals and sewage **Provision of receptacles for rubbish and filth.**

293. (*1*) The President may by public notice direct that all rubbish and offensive matter accumulating in any premises in any street or quarter of the City specified in the notice shall be collected by the occupier of such premises, and deposited in a box or basket, of the kind specified in such notice, to be provided by such occupier and kept at or near the entrance to the premises **Deposit of rubbish and filth by occupier**

(*2*) The President may cause public dust bins or other convenient receptacles to be provided at suitable intervals and in proper and convenient situations in any street or quarter in respect of which no notice issued under sub-section (*1*) is for the time being in force,

and may by public notice direct that all rubbish and offensive matter accumulating in any premises, the entrance to which is situated within fifty yards of any such receptacle, shall be collected by the occupier of such premises and deposited in such receptacle

(*3*) The President may by public notice direct that all rubbish and offensive matter accumulating in any premises in any street or quarter in respect of which no notice issued under sub-section (*1*) or sub-section (*2*) is for the

time being in force shall be collected by the occupier of such premises, and deposited in some portion of the same or in the street on which they abut.

(*4*) The hours during which rubbish and offensive matter are to be deposited as aforesaid shall be specified in any notice issued under this section.

Removal of rubbish and filth on business premises.

294. When any premises are used for carrying on any manufacture, trade or business in the course of which rubbish or offensive matter is accumulated in quantities which are, in the opinion of the President, too considerable to be deposited in any of the methods prescribed by a notice issued under the last preceding section, the President may,—

(*a*) by notice direct the occupier of such premises to collect all rubbish and offensive matter accumulating thereon, and to remove the same at such times, in such carts or receptacles, and by such routes, as may be specified in the notice, to a public receptacle, depôt or place provided or appointed under section 292; or

(*b*) after giving such occupier notice of his intention, cause all rubbish and offensive matter accumulating in such premises to be removed, and charge the said occupier for such removal such periodical fee as may, with the sanction of the Standing Committee, be specified in the notice issued under clause (*a*).

Contract with occupier for removal of rubbish and filth.

295. The President may contract with the occupier of any building or land to remove sewage from any latrine or cesspool therein or thereon, or to remove rubbish or offensive matter from such building or land on such terms as to time and period of removal and other matters as may seem suitable to the President, and on payment of fees at such rate as the Corporation may prescribe.

Provision for daily cleansing of streets and removal of rubbish and filth.

296. The President shall provide—

(*a*) for the daily surface-cleansing of all streets and the removal of the sweepings therefrom, and

(*b*) for the removal of—

(i) the contents of all receptacles and depôts, and the accumulations at all places provided or appointed by him under section 292 for the temporary deposit of any of the things specified therein; and

(ii) all things deposited by occupiers of premises in pursuance of any notice issued under section 293.

Rights of property of Corporation in things deposited in receptacles.

297. All things deposited in receptacles, depôts or places provided or appointed under section 292 shall be the Property of the Corporation.

Directions as to removal of filth.

298. In cases not provided for by any notice issued under section 294, the President shall, with the sanction of the Standing Committee, prescribe—

(*a*) the hours within which offensive matter and sewage may be removed,

(*b*) the kind of cart or other receptacle in which offensive matter and sewage may be removed, and

(c) the route by which such carts or other receptacles shall be taken

299. The Corporation shall maintain an establishment under the control of the President for the removal of sewage from latrines and urinals which are not connected with a drain. Maintenance of establishment for removal of sewage

300. (1) No person who is bound by any notice issued under section 293 or section 294, as the case may be, to collect and deposit or remove rubbish and offensive matter accumulating on premises occupied by him shall allow the same so to accumulate for more than twenty-four hours. Prohibition against— accumulation of rubbish or filth on premises,

(2) No person shall deposit any rubbish or offensive matter otherwise than as provided in a notice issued under section 293 or section 294, as the case may be. irregular methods of depositing rubbish or filth,

(3) No person shall remove offensive matter or sewage otherwise than to a receptacle, depôt or place provided or appointed for the purpose under section 292, or otherwise than as prescribed under section 298. irregular removal of filth,

(4) No person shall throw or place any rubbish, offensive matter or sewage, as the case may be,— deposit of rubbish or filth in unauthorized place or manner,

(a) in any place not provided or appointed for the purpose under section 292, or

(b) in any way contrary to any direction given under section 293.

(5) No owner or occupier of a building or land shall keep or allow to be kept for more than twenty-four hours, or otherwise than in a proper receptacle any night soil, rubbish or other offensive matter in such building, or upon the roof thereof, or in any out-building, yard, pavement or verandah attached to or belonging to such building or on such land, or neglect to employ proper means to remove the filth from such receptacle and to cleanse the same, and to dispose of such filth in the manner directed by the President, or fail to comply with any requisition of the President as to the construction, repair, paving or cleansing of any latrine in his building or belonging thereto. keeping filth for more than twenty four hours, or in unauthorized place or manner,

(6) No owner or occupier shall allow the water of any sink, drain or privy or the drainage from any stable or place, or any other offensive liquid matter belonging to him or being on his land or in his building or in any building or land occupied by him to run down on, to, or be put upon, any street, or into any drain in or alongside of any street, except in such a manner as shall prevent any avoidable nuisance from any such liquid or offensive matter soaking into the walls or ground at the side of the said drain. allowing sewage to flow in streets

---

CHAPTER XXVI

INSPECTION AND REGULATION OF PLACES

Unwholesome Sources of Water-supply and Stagnant Water

301. (1) If any private tank, well or other place, the water of which is used for drinking, is not maintained in a sanitary condition, the President Cleansing of insanitary private tank

or well used for drinking.. may by notice require the owner or person having control thereof to cleanse the same in such manner as may be prescribed in that behalf, and may also require the said owner or person to protect the same from pollution in such manner as may be provided in the notice.

(2) If the water of any private tank, well or other place, which is used for drinking, is proved to the satisfaction of the President to be unfit for the said purpose, the President may by notice require the owner or person having control thereof to—

(a) refrain from using or permitting the use of such water, or

(b) close such place or enclose or fence the same.

Powers of President in respect of tanks, wells, stagnant water.

302. (1) The President may by notice—

(a) require the owner of any private tank or well which appears to him likely to be injurious to health or offensive to the neighbourhood to cleanse, fence, repair or fill up the same;

(b) require the owner or occupier of any land or premises to drain off or otherwise remove any stagnant water from the same or from any tank or well attached thereto.

(2) Such notice may specify the time and mode in which all or any of the operations specified in sub-section (1) are to be done.

Application of section 302 to any stagnant pool, etc.

303. The provisions of the last preceding section shall apply to any stagnant pool, ditch, pit, drain or cesspool.

Duty of President in respect of public well or receptacle of stagnant water.

304. If it appears to the President that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood, he shall cause the same to be cleansed, drained, or filled up.

Abandoned Places.

Untenanted buildings or lands.

305. If any building or land by reason of abandonment, disputed ownership or other cause remains untenanted and thereby becomes a resort of idle and disorderly persons or in the opinion of the President becomes a nuisance, the President may, after due inquiry, and by notice, require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same.

Unwholesome Land and Insanitary and Overcrowded Buildings.

Removal of filth or noxious vegetation.

306. The President may by notice require the owner or occupier of any building or land which is in a filthy or unwholesome state, or overgrown with prickly-pear or other noxious vegetation, to cleanse, clear or otherwise put the same in proper state within twenty-four hours or such longer period as may be specified in the notice.

Lime-washing and clean-

307. The President, if it appears to him necessary for sanitary purposes so to do, may at any time by notice direct the occupier of any building to lime-

wash or otherwise cleanse the said building inside and outside in the manner and within a period to be specified in the order

sing of buildings

308. (*1*) Whenever the President considers—

Further powers with reference to insanitary buildings.

(*a*) that any building is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation, or by reason of the impracticability of cleansing, attended with risk of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or

(*b*) that any block of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

he may cause a written notice to be fixed to some conspicuous part of the building or block, requiring the owners or occupiers thereof, or, at his option, the owners of the land occupied by such building or block, to execute such works or take such measures as he may deem necessary for the prevention of such risk

(*2*) Where any building in respect of which a notice has been issued under sub section (*1*) is demolished in pursuance of an order made thereunder, the Corporation shall make reasonable compensation to the owner thereof

309. (*1*) If for any reason, any building intended for or used as a dwelling place appears to the President to be unfit for human habitation, he may apply to a Magistrate to prohibit the further use of such building for such purpose, and the Magistrate, after such inquiry as he thinks fit to make, may, by written order, make a prohibition as aforesaid or may pass such other order as he may deem just and proper

Buildings unfit for human habitation

(*2*) When any such prohibition has been made, no owner or occupier of such building shall use or suffer the same to be used for human habitation until the President certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or a Magistrate, by written order, withdraws the prohibition aforesaid

310. (*1*) If it appears to the President that any dwelling house, or any public building or hut which is used as a dwelling place, or any room in any such house, public building or hut, is so overcrowded as to endanger the health of the inmates thereof, he may apply to a Magistrate to abate such overcrowding, and the Magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building or room, within a reasonable time, not exceeding four weeks, to be prescribed in the said order, to abate such overcrowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper

Abatement of overcrowding in dwelling house or dwelling place.

(*2*) The Standing Committee may, by written order, declare what amount of superficial and cubic space shall be deemed, for the purposes of sub-section (*1*), to be necessary for each occupant of a building or room

(3) If any building or room referred to in sub-section (1) has been sublet, the landlord of the lodgers, tenants, or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger, or other inmate of a building or room to vacate on being required by the owner so to do in pursuance of any requisition made under sub-section (1).

Fishing.

Prohibition against fishing in river or estuary.

311. The President may, with the sanction of the Local Government, prohibit fishing in any river or estuary within the City if he considers that such fishing is likely to be dangerous to the public health.

CHAPTER XXVII.

Keeping of Animals.

Prohibitions in respect of keeping and feeding animals.

312. No person shall—

(a) without the permission of the President, or otherwise than in conformity with the terms of such permission, keep swine in any part of the City;

(b) keep any animal on his premises so as to be a nuisance or dangerous; or

(c) feed or permit any animal to be fed with offensive matter or sewage.

Destruction of stray swine.

313. If any swine are found straying, the same may be summarily destroyed by any person authorized in that behalf in writing by the President.

Licenses for places in which animals are kept.

314. (1) The owner or occupier of any livery or hack-stable, horse-lines, veterinary infirmary, cart-stand, cattle shed, or of any yard in which sheep or goats or cattle are kept for purposes of profit, shall, in the first month of every year, or, in the case of a place to be newly opened, within one month before the opening of such place, apply to the President for a license for the use of the same for any of the purposes aforesaid.

(2) The President may by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such license.

(3) Every order refusing to grant such license shall state the grounds on which it proceeds :

Provided that this section shall not apply to any of the above-mentioned places in the occupation or under the control of the Government :

Provided also that no license shall be necessary—

(a) in the populous parts of the City, if the number of sheep or goats in such yard is less than six or the number of cattle therein is less than three, and

(b) in the non-populous parts of the City, if the number of such sheep or goats is less than twenty or the number of such cattle is less than six.

315. (*1*) All stables, cattle sheds and cow-houses shall be under the survey and control of the President as regards their site, construction, materials and dimensions General powers of control over stables cattle sheds and cow houses

(*2*) The President may, by written notice, require that any stable, cattle-shed or cow house be altered, paved, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned, or be supplied with water, or be connected with a sewer, or be demolished

(*3*) Every such notice shall be addressed to the owner of the building or land to which the stable cattle shed or cow house belongs, or for the use of the occupants of which the same was constructed or is continued

(*4*) The expense of executing any work in pursuance of any such notice shall be borne by the said owner

316. If any stable, cattle shed or cow house is not constructed or maintained in the manner prescribed by or under this Act, the President may, by written notice, direct that the same shall no longer be used as a stable, cattle-shed or cow house Every such notice shall state the grounds on which it proceeds Power to direct discontinuance of use of building as a stable cattle shed or cow house

317. (*1*) The occupier of any premises in or upon which any animal shall die or upon which the carcass of any animal shall be found, and the person having the charge of any animal which dies in a street or in any open place, shall, within three hours after the death of such animal, or if the death occurs at night, within three hours after sunrise, either— Removal of carcasses of dead animals

(*a*) remove the carcass of such animal to such receptacle, depôt or place as may be appointed by the President in that behalf or

(*b*) report the death of the animal to an officer of the Health department of the division of the City in which the death occurred with a view to his causing the same to be removed

(*2*) When any carcass is so removed by the Health department, a fee for the removal, of such amount as shall be fixed by the President, shall be paid by the owner of the animal or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the same died

---

CHAPTER XXVIII

PUBLIC BATHING AND WASHING

318. The Corporation shall set apart places for use by the public for bathing and for washing animals Provision of places for bathing and for washing animals

319. It shall not be lawful for any person to— Prohibition against contaminating water supply

(*a*) bathe in any public tank, reservoir, conduit, or other place set apart by the Corporation, or in the case of private property by the owner thereof, for drinking purposes ;

SCHEDULE IX.

Form of Notice of Sale.

(*See section 182.*)

[*Here insert particulars of goods seized.*]

Take notice that I have this day seized the goods and chattels as hereinbefore specified for the sum of rupees due to the Corporation in respect of [*Here enter particulars of sum due*] for the 19 : and that, unless you pay into the office of the Corporation of the City of Madras the amount due, together with the cost of this distress, within seven days from the day of the date of this notice, the said goods and chattels will be sold on the day of 19 at the Municipal office or at such other place as the President may direct.

(Signature of the officer executing the warrant of distress.)

Date________________.

SCHEDULE X.

Rates of Fees on Distraints.

(*See section 185.*)

Value of property distrained.	Fees. Rs.	A.	P.
Under five rupees	0	4	0
Five and under ten rupees	0	8	0
Ten and under fifteen rupees	0	12	0
Fifteen and under twenty rupees	1	0	0
Twenty and under twenty-five rupees	1	4	0
Twenty-five and under thirty rupees	1	8	0
Thirty and under thirty-five rupees	1	12	0
Thirty-five and under forty rupees	2	0	0
Forty and under forty-five rupees	2	4	0
Forty-five and under fifty rupees	2	8	0
Fifty and under sixty rupees	3	0	0
Sixty and under eighty rupees	3	12	0
Eighty and under one hundred rupees	4	8	0
One hundred rupees and upwards	5	0	0

SCHEDULE XI.

Rules for Building-sites.

(*See section 260.*)

No piece of land shall be used as a site for the construction of a building—

(*1*) if the building is to abut on a street, unless the site is of such a shape that the face of the building can be made parallel to the line of the street, or as nearly parallel to the said line as the Standing Committee may allow ; and

(2) if the site is within thirty feet of a tank, unless the owner satisfies the President that he will take such measures as will prevent any risk of the domestic drainage of the building passing into the tank ; and

(3) if the building to be constructed is a public building, a dwelling house or a hut,—

(a) unless the site is certified by the Engineer to be dry and well drained or to be capable of being well drained, and

(b) if the site is a filled up tank, or has been filled up with or used for depositing rubbish, offensive matter or sewage, unless the Health Officer has examined the site and granted a certificate to the effect that it is, from a sanitary point of view, fit to be built upon

---

SCHEDULE XII

Building Rules

(*See sections 260 and 264*)

Part I.—Buildings generally

Level of floor

1 The floor or lowest floor of every building constructed or reconstructed from the ground level must be constructed at such level as will admit of the construction of a drain sufficient for the effectual drainage of the building and placed at such level as will admit of the drainage being led into some public drain at the time existing or projected

Distance between building line and street alignment

2 In any street laid out after the commencement of this Act the distance between the building line and the street alignment shall not be less than four feet

Part II.—Masonry buildings generally

Foundation

3 (1) Except with the sanction of the President—

(a) The foundation of a masonry building must rest on natural ground

(b) The spread of the foundation must be such that the pressure on the soil, taking into account the load on the floors and terrace roof (if any) referred to in rules 9 and 11 shall not be greater than one ton on the square foot

(2) The levels of the foundation must be such as the President may consider satisfactory

Plinth

4 The plinth of a masonry building must be at least eighteen inches above the level of the centre of the nearest street

Footings for walls

5 Every wall of a masonry building must be constructed so as to rest upon proper footings

Outer walls

6 The outer walls of a masonry building must be constructed of brick or some other hard and incombustible substance

Bonding of walls

7 All walls of a masonry building must be properly bonded

Special provisions in case of walls in building of more than one storey

8 If a masonry building exceeds one storey in height, every wall must be of such thickness as the President may consider necessary to ensure safety

Floors

9 The floors of every masonry building must be constructed to bear safely the maximum load to be carried, the allowance for live load not being less than fifty six pounds on the square foot

Beams and girders

10 (1) All beams and girders in a masonry building must be supported by a breadth of brick work, stone or other solid substance sufficient to secure their stability

(2) The bearing of a beam or girder on a wall shall not, without the sanction of the President, be less than three fourths of the thickness of the wall

Terrace roofs

11 Terrace roofs must be constructed to withstand such load, not less than forty pounds on the square foot, in addition to their own weight, as may be specified by an order of the President

Part III —Dwelling-houses and other domestic buildings.

Maximum height of buildings.

[1]12. (*1*) Except with the written permission of the President, no building shall be erected or raised to a greater height than sixty feet as measured from the level of the centre of the street in front—

(*a*) in the case of a pitched roof up to the tie beam of the roof, and

(*b*) in the case of a flat roof, up to the surface of the roof.

(*2*) In the case of a pitched roof, the roof above that height shall rise at an angle of not more than forty-five degrees.

(*3*) In the case of a flat roof, a parapet of not more than three feet in height may be constructed above the maximum height specified in sub-section (*1*).

Height of buildings with reference to width of street.

[1]12-A. Subject to the maximum prescribed by rule 12, the height to which a building may be erected or raised shall be regulated by the width of the street on which it abuts, in accordance with the following rules, namely :—

(*1*) if the width of the street does not exceed twenty-six feet, the building shall not be erected or raised to a height greater than one and one-half times the width of the street ;

(*2*) if the width of the street exceeds twenty-six feet, but does not exceed forty feet, the building shall not be erected or raised to a height greater than forty feet ; and

(*3*) if the width of the street exceeds forty feet, the building shall not be erected or raised to a height greater than the width of such street ;

(*4*) where the building abuts upon more than one street, its height shall be regulated by the wider of such streets so far as it abuts upon such wider street and also, to a distance of eighty feet from such wider street, so far as it abuts upon the narrower of such streets :

Proviso in case of set back.

Provided that, if the face of the building is set back from the street at any height not exceeding the height specified in sub-section (*1*), sub-section (*2*) or sub-section (*3*), as the case may be, such building may be erected or raised to a height greater than that so specified, but not so that any portion of the building shall intersect any of a series of imaginary straight lines drawn from the line of set back, in the direction of the portion set back, at an angle of forty-five degrees with the horizontal.

[1]12-B. Notwithstanding anything contained in rules 12 or 12-A, any house which has been demolished may, within a period of three years from the date of its demolition, be re-erected to a height not exceeding its original height.

Size and ventilations of inhabited room.

13. Every room in a domestic building which is intended for human habitation—

(*a*) must be in every part not less than nine feet in height, measured from the floor to the under-side of the beam on which the roof rests ;

(*b*) must have a clear superficial area of not less than eighty square feet ; and

(*c*) must be provided, for purposes of ventilation, with doors or windows opening directly into the external air, or into a verandah.

Open space in rear of building.

14. (*1*) There must be in the rear of every domestic building an open space extending along the entire width of the building and belonging exclusively to the building, unless the back of the building abuts on an open square or the like, of not less than twenty feet in width, which is dedicated to public use and is consequently not likely to be built upon.

(*2*) The minimum distance across such space from every part of the building to the boundary line, or (if the boundary is a wall) the inner edge of the boundary wall, of the building or land immediately opposite such part, shall be ten feet.

Relaxation of rule 14 in case of irregular site.

15. If any person desires to construct a domestic building in a street laid out before the commencement of this Act upon a site which, before the commencement of this Act,

---

[1] Rules 12, 12-A and 12-B were substituted for the original rule 12 by Local and Municipal Notification, No 1991, dated 13th November 1906, *Fort St. George Gazette*, Part I-A, p. 617.

was occupied by a domestic building, and the site is of such a nature that it is impracticable to provide an open space in the rear of the building of the dimensions prescribed by rule 14, the President may relax the provisions of that rule.

Provided that—

(*a*) such open space shall be left as the Standing Committee may consider practicable, having regard to all the circumstances of the case, and

(*b*) not more than two thirds of the total area of the site shall be occupied by masonry buildings or verandahs

Raising and keeping open interior court yards and outward open spaces

16 (*1*) Every interior courtyard must be raised at least one foot above the level of the centre of the nearest street, so as to admit of easy drainage into the street

(*2*) Every interior courtyard and every such open space must be open to the sky throughout its entire area, and no structure shall be erected within or above, or so as to project over, the same

Part IV —Applications for approval of sites for, and for permission to construct or reconstruct, masonry buildings

Form of application for approval of site

17 (*1*) Every application for approval of a site for a masonry building must be written on a printed form (to be supplied by the President free of charge) and must state the position of the site, the number assigned to it in the assessment book, its dimensions, and such other particulars as may be prescribed by the Standing Committee

(*2*) The site plan sent with such an application must be drawn to a scale of not less than one fiftieth of an inch to a foot, must be sent in duplicate and must show—

(*a*) the boundaries of the site,

(*b*) the position of the site in relation to neighbouring streets,

(*c*) the name of the street in which the building is proposed to be situated,

(*d*) the position and dimensions of proposed urinals, drains cesspools, stables, cattle sheds, cow houses, wells, and other appurtenances of the building, and

(*e*) such other particulars as may be prescribed by the Standing Committee

Form of application for permission to construct building

18 (*1*) Every application for permission to construct or reconstruct a masonry building must be written on a printed form (to be supplied by the President free of charge), and must state the description of the building, its dimensions, and such other particulars as may be prescribed by the Standing Committee

(*2*) The plan of the building and the elevations and sections accompanying such an application must be neatly and accurately drawn to a scale of not less than one eighth of an inch to a foot and must be sent in duplicate, and the said plan must show—

(*a*) the levels and width of the foundation of the building,

(*b*) the level of the lowest floor of the building, and

(*c*) the level of all courtyards and open spaces in the building or premises, and the plinth level of buildings with reference to the level at the centre of the nearest street

(*3*) The specification accompanying such an application must comprise full information as to the following particulars, namely —

(i) the method of construction and the materials to be used,

(ii) the manner in which the surface drainage of land will be disposed of,

(iii) the means of access that will be available to scavengers to get to latrines,

(iv) the purpose for which it is intended to use the building, and

(v) if the building is intended to be used as a dwelling house for two or more families or as a place for carrying on any trade or business in which more than twenty people may be employed, or as a place of public resort,—the means of ingress and egress.

Explanation.—If it is intended to use the building or part thereof for any of the purposes specified in Schedule II, or as a stable, cattle-shed or cow-house, the fact must be expressly stated.

Signing of plans. 19. The plans must be signed by the owner of the building.

Formulation of requirements and objections. 20. (*1*) All information and documents which it may be found necessary to require, and all objections which it may be found necessary to make, before deciding whether a site should be approved for a masonry building, or whether permission to construct or reconstruct a masonry building should be given, shall be respectively required and made in one requisition, and the applicant shall be apprised thereof at the earliest possible date.

(*2*) Within thirty days from the date of receipt of an application under section 264 for approval of a site, the President may require the applicant—

(*a*) to furnish him with any information on matters referred to in this Schedule which has not already been given in the documents received thereunder, or

(*b*) to satisfy him that there are no objections which may lawfully be taken to the approval of the site.

(*3*) Within thirty days from the date of receipt of an application under section 264 for permission to execute work, the President may require the applicant—

(i) to furnish him with any information on matters referred to in this Schedule which has not already been given in the documents received thereunder, or with any document prescribed by that section which has not been sent in ; or

(ii) to satisfy him that there are no objections which may lawfully be taken to the grant of permission to execute the work.

(*4*) If any information or documents required under sub-rule (*2*) or sub-rule (*3*) is or are, in the opinion of the President, incomplete or defective, he may, within thirty days from the date of receipt of the same, require further information or documents to be furnished.

(*5*) If any requisition made under sub-rule (*2*), sub-rule (*3*) or sub-rule (*4*) is not complied with within three months, the application received under section 264 shall be deemed not to have been made.

Signature of approved plans. [1]21. When the President has approved any site-plan or given permission to execute any work, he shall sign such site-plan or the approved plans of the work, as the case may be.

(*2*) One copy of the duplicate site plans and one copy of the duplicate building plans referred in rules 17(2) and 18(2), respectively, signed by the President in accordance with clause (1), *supra,* shall be kept at the site of the building at all times when building operations are in progress and such plans shall be available at all such times for the inspection of the President or of any officer authorised by him in that behalf.

Part V.—Huts generally.

Distance between hut and masonry building. 22. Except with the permission of the President no portion of a hut shall be placed within six feet of a masonry building :

Provided that this rule shall not preclude the construction of huts in compounds in any case where masonry out-offices would be permissible.

Height. 23. No hut shall be of more than one storey or shall exceed twelve feet in height measured from the top of the plinth to the junction of the eaves and wall.

Plinth. 24. The plinth of a hut must be raised at least one foot above the level of the centre of the nearest street or passage.

---

[1] This sub-rule was inserted by Notification No. 129, dated 17th January, 1911 (Fort St. George Gazette, Pt. I-A, p. 26.)

Part VI —Huts on land occupied by, or set apart for the construction of, the same.

25 Huts must be built in continuous lines, in accordance with an alignment to be prescribed by the President and demarcated on the ground Continuous lines

26 Where an alignment prescribed under rule 25 does not correspond with the align ment of a street, a passage of at least twelve feet, measured from eave to eave, must be left between the rows of huts abutting on such prescribed alignment Passages

27 All passages referred to in rule 26 shall remain private property, subject to a right in the municipal authorities to send carts along them or otherwise make use of them for any of the purposes of this Act Use of passages

28 Notwithstanding anything contained in rule 25 huts may, with the special sanction of the President, be built so as to form an open courtyard comprising at least one fourth of the whole area occupied by the huts and courtyard Courtyard

29 There must be between all huts except in the case of huts referred to in rule 28, a space of at least three feet, measured from eave to eave Space

Part VII —Applications for permission to construct or reconstruct huts

30 (1) Every application for permission to construct or reconstruct a hut must be written on a printed form to be supplied by the President free of charge Application for permission to construct or re construct a hut

(2) If it is intended to use the hut or part thereof for any of the purposes specified in Schedule II, or as a stable cattle shed or cow house, the fact must be expressly stated in the said application

(3) The site plan sent with such an application must show the hut the means of access thereto from the street, and such other particulars as may be prescribed by the Standing Committee

31. (1) The President may require the applicant— Power of Presi dent to require fresh informa tion or site plan

(a) to furnish him with any information which has not already been given or with a proper site plan or

(b) to satisfy him that there are no objections which may lawfully be taken to the grant of permission to execute the work

(2) If any information or plan required under sub section (1) is, in the opinion of the President, incomplete or defective, he may require further information or a fresh plan to be furnished

(3) If any requisition made under sub rule (1) or sub rule (2) is not complied with within one month, the application received under section 278 shall be deemed not to have been made

Part VIII —Application of rules to alterations of, and additions to, buildings

32 Rules 17 to 21, or rules 30 and 31, as the case may be, shall not be applied in the case of any alteration of, or addition to, a building unless one or more of the following works is or are undertaken, namely — Restriction on application of rules 17 to 21 or 30 and 31

(a) the construction of a roof or an external or party wall,

(b) any repairs to the building which involve the reconstruction of a lift shaft or a chimney after the same has been entirely or in great part demolished,

(c) any other alteration of the internal arrangements of a building which affects its drainage or stability,

(d) the addition of any building, room, out house or other structure

33 (1) If, in any case of urgency arising from causes beyond his own control, any person desires to undertake without delay any of the works referred to in rule 32, he may send to the President an application for provisional permission to proceed with the work Grant of pro visional permis sion to proceed with work in cases of urgency

(*2*) Such application must contain an explanation of the urgency and a general description of the work proposed to be undertaken.

(*3*) Within five days from the date of receipt of any such application, the President shall, by an order in writing, either grant or refuse to grant provisional permission to proceed with the work.

(*4*) If, within the said period, the President has neither granted nor refused to grant such provisional permission, the same shall be deemed to have been granted.

(*5*) Whenever such provisional permission is granted, and in any case provided for by sub-rule (*4*), the applicant must within fifteen days, send to the President a regular application for permission to execute the work; and if he fails to do so, the provisional permission shall be deemed to have been withdrawn.

SCHEDULE XIII.

Form of Register of Births

(*See section 377.*)

19 Births in the district of

No.	When born.	Nationality or caste.	Name, if any.	Sex.	Name of father.	Profession of father.	Residence of father or mother.	Signature, description and residence of informant.	When registered.	Signature of Registrar.
1	2	3	4	5	6	7	8	9	10	11

SCHEDULE XIV

Form of Register of illegitimate Births

(See section 377)

19 Illegitimate Births in the district of

No	When born	Nationality or caste	Name, if any	Sex	Name of mother	Residence of mother	Signature, description and residence of informant	When registered	Signature of Registrar
1	2	3	4	5	6	7	8	9	10

SCHEDULE XV.*

FORM OF REGISTER OF DEATHS.

(*See section 377.*)

19 Deaths in the district of

No.	When died.	Nationality or caste.	Name.	Sex.	Age.	Profession.	Cause of death.	Residence at time of death.	Residence previous to last illness.	Signature, description and residence of informant.	When registered.	Signature of Registrar.
1	2	3	4	5	6	7	8	9	10	11	12	13

* For Schedule XV-A containing form of register of births and deaths of Europeans and European British subjects, *see* Notfication No. 1844, dated 6th Dec. 1910 (Fort St. George Gazette, Part I-A, p. 702) by which the schedule was added.

SCHEDULE XVI

ORDINARY PENALTIES

(*See section 420*)

1		2	3
Section.	Sub section or clause.	Subject	Fine which may be imposed
45	(1)	Acceptance of bribe at election	One hundred rupees
	(2)	Giving of bribe at election	Five hundred rupees
111		Failure to obey requisition by auditors to attend give evidence or produce document	One hundred rupees
125	(2)	Failure to pay tax on profession art, etc	Twice the amount of the tax
127		Failure of owner or occupier to obey requisition to furnish list of persons carrying on profession art, etc	One hundred rupees
128		Failure of employer or head of an office firm or company to obey requisition to furnish list of persons in his employ	One hundred rupees
132	(2)	Failure of owner or occupier to furnish return of rent, etc	One hundred rupees
143		Failure to send notice to President after completion of construction or reconstruction of building	Fifty rupees
150	(3)	Failure to obey order to affix and register number	Ten rupees
153 } 154 }		Failure of occupier to obey requisition to furnish statement of vehicles and animals liable to taxation	Ten rupees
156	(2)	Failure to obey requisition to produce license	Five rupees
158	(1)	Failure of owner to register cart or other vehicle	Ten rupees
	(3)	Failure to have registration number affixed to cart or other vehicle	Ten rupees
195		Failure to send notice regarding misuse or waste of water in premises	Twenty rupees
198		Unlawful entry on land where conduit runs, etc	Twenty rupees
206		Causing of damage to water supply works	Fifty rupees
207		Unlawful opening or removal of lock cock or pipe or drawing of water	Fifty rupees

1		2	3
Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
215	(1)	Unlawful connection of house drain with public drain or obstruction, etc., of public drain.	Two hundred rupees.
216	..	Unlawful construction of building over public drain .	One hundred rupees.
221	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Fifty rupees.
223	(2)	Keeping of public latrine or urinal without license .	Fifty rupees.
	(3)	Allowing public latrine or urinal to be in unclean condition and improper order.	Fifty rupees.
224	(1)	Failure to obey requisition to provide latrine or to remove latrine to another site.	Fifty rupees.
225	..	Failure to provide latrines and urinals for premises used by large numbers of people.	Fifty rupees.
226	..	Failure to obey requisition to provide latrines and urinals for market, cattle-stand or cart-stand.	Fifty rupees.
239	..	Failure to obey requisition to fence building or land or trim, prune or cut hedge and trees.	Fifty rupees.
241	..	Unlawful displacement, etc., of pavement or fences, posts, and other materials of public street.	Fifty rupees.
243	..	Unlawful making or laying of new street . . .	Five hundred rupees.
245	..	Failure to obey requisition to metal, etc., private street	One hundred rupees.
247	..	Building wall or erecting fence, etc., in a street . .	One hundred rupees.
248	..	Failure to obey requisition to remove or alter obstruction, etc., made against or in front of building or land in public street.	Two hundred rupees.
251	..	Unlawful removal of bar or shoring of timber, etc., or removal or extinction of light.	Fifty rupees.
252	..	Unlawful making of hole or placing of obstruction in street.	Fifty rupees.
253	..	Construction, etc., of building without license where street or footway is likely to be obstructed.	Fifty rupees.
		Failure to fence, etc., such building while under repair	Fifty rupees.
254	(2)	Unlawful destruction, etc., of name of street . .	Twenty rupees.

1		2	3
Section	Sub section or clause	Subject	Fine which may be imposed
255	(2) & (3)	Unlawful destruction, etc, of number of building .	Twenty rupees
256	(b)	Failure to obey requisition to take down, repair or secure building or other thing in ruinous state	Five hundred rupees
259	.	Failure to obey requisition to repair, etc, tank or other place dangerous to passengers or persons living in neighbourhood	Fifty rupees
262		Construction of external roof, etc, of building with inflammable materials	Fifty rupees
263	..	Construction of door or window, etc, to open out wards on public street	Twenty rupees
285	.	Failure to keep external walls of premises in proper repair	Twenty rupees.
291	.	Unlawful removal or damaging of lamp post, etc, or extinction of light of lamp	One hundred rupees
293	(1)	Failure of occupier to obey direction to collect rubbish and offensive matter and deposit them in a box or basket of his own at or near entrance to premises	Ten rupees
	(2)	Failure to obey direction to collect rubbish and offensive matter and deposit them in public receptacle	Ten rupees
	(3)	Failure to obey direction to collect rubbish and offensive matter and deposit them in street or premises	Ten rupees
294	(a)	Failure to obey direction to collect and remove rubbish and offensive matter accumulating on business premises	Ten rupees
300	(1)	Allowing rubbish or offensive matter to accumulate on premises for more than twenty four hours	Fifty rupees
	(2)	Irregular deposit of rubbish or offensive matter .	Ten rupees
	(3)	Irregular removal of sewage or offensive matter .	Twenty rupees.
	(4)	Deposit of rubbish, offensive matter or sewage in unauthorized place	Twenty rupees
	(5)	Keeping filthy matter for more than twenty four hours, etc	Ten rupees
	(6)	Allowing sewage to flow in streets .	Twenty rupees
301	.	Failure to obey requisition to cleanse or close, etc, tank, well or other source of water used for drinking	Fifty rupees

1		2	3
Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
302	..	Failure to obey requisition to repair, etc., tank or well dangerous to health of neighbourhood or drain off stagnant water from land or premises.	Fifty rupees.
305	..	Failure to obey requisition to enclose, clear, or cleanse untenanted building or land.	Fifty rupees.
306	..	Failure to obey requisition to clear, or cleanse, etc., building or land in filthy state or overgrown with prickly pear or other noxious vegetation.	Fifty rupees.
307	..	Failure to obey requisition to lime-wash or otherwise cleanse building.	Fifty rupees.
308	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	One hundred rupees in the case of masonry building and fifty rupees in the case of hut.
309	..	Using or allowing the use of buildings unfit for human habitation after prohibition.	Twenty rupees for each day.
310	(1)	Allowing overcrowding in building after order to abate the same.	Twenty rupees for each day.
	(4)	Failure to obey requisition to vacate over-crowded building or room.	Twenty rupees for each day.
311	..	Fishing in river or estuary after prohibition . .	Twenty rupees.
312	(*a*)	Unlawful keeping of swine	Ten rupees.
	(*b*)	Unlawful keeping of animal so as to be a nuisance or dangerous.	Ten rupees.
	(*c*)	Feeding of animals with sewage or offensive matter .	Fifty rupees.
314	..	Use of place as a livery, hack-stable or cattle-stand, etc., without license or contrary to license.	Fifty rupees.
316	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or rules.	Fifty rupees.
317	..	Failure to remove carcass of animal	Twenty rupees.
319	(*a*)	Unlawful bathing in certain places	Fifty rupees.
	(*b*)	Unlawful washing of animals, etc., in certain places .	Fifty rupees.
	(*c*)	Unlawful throwing of animals, etc., into the water in certain places.	Fifty rupees.
	(*d*)	Fouling of water in certain places	Fifty rupees.

1		2	3
Section	Sub section or clause	Subject	Fine which may be *imposed*
320		Fouling of water in source of water supply in carrying on trade or manufacture	One thousand rupees
323		Use of place without license for offensive or dangerous trades or for purposes endangering health life or property	Two hundred rupees
324		Unlawful erection of any machinery or steam boiler by the use of which smoke is produced or health of neighbourhood is endangered	Fifty rupees
325		Use of place for sale or storage of timber, firewood or other combustible, without license or contrary to license	One hundred rupees
326		Storage of timber, firewood, or other combustible, for private use contrary to directions given for guarding against fire	One hundred rupees
327		*Importation of timber or firewood without license* or storage of the same contrary to license	One hundred rupees
328		Use of place as bake house or manufactory of ice or aerated waters without license or contrary to license	Fifty rupees
330	(2)	Washing of clothes by washermen at unauthorized places	Twenty rupees
332		Use of place as slaughter house without license or contrary to license	Two hundred rupees
334		Slaughter of animals for sale or food without license *or drying skin*	Twenty rupees *for* every animal
342		Sale or exposure for sale in public market of animal or article of food without license	Fifty rupees
343		Opening private market without license or contrary to license	Five hundred rupees.
344		Keeping open private market without license or contrary to license	Five hundred rupees.
346		Sale or exposure for sale of animal or article in unlicensed private market	Fifty rupees
347		Failure to obey direction to construct approaches, drains etc, to private markets or to pave them	Fifty rupees
348	(2)	Opening or keeping open of private market after suspension or refusal of license for default to carry out works	Fifty rupees for each day.

1		2	3
Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
349	..	Breach of market regulations	Fifty rupees.
350	..	The carrying on of butcher's trade without license, etc.	One hundred rupees.
351	..	Sale of article in public streets after prohibition .	Twenty rupees.
357	..	Sale of article of food or drug not of nature, substance or quality of article demanded by purchaser.	One hundred rupees.
358	..	Sale of compound article of food or drug not composed of ingredients in accordance with demand of purchaser.	One hundred rupees.
359	(a)	Abstraction of any part from article of food so as to affect injuriously quality or substance with intent to sell it in altered state without notice.	One hundred rupees.
	(b)	Sale without notice of article of food altered by abstraction of part.	One hundred rupees.
360	..	Refusal to sell food or drug to the President or Health Officer.	Fifty rupees.
363	..	Failure of medical practitioner to give information of existence of dangerous disease in private or public dwelling.	Fifty rupees.
367	..	Failure to obey requisition to cleanse or disinfect buildings or articles.	Fifty rupees.
368	(2)	Washing of infected articles at unauthorized places	Fifty rupees.
369	(1)	Giving, lending, etc., of infected articles . . .	Fifty rupees.
	(2`	Casting or causing to be cast infected rubbish into any ash-pit, ash-tub or other receptacle for deposit of refuse matter.	Fifty rupees.
370	(1)	Travelling of infected person in public conveyance without taking proper precautions against spread of disease.	Fifty rupees.
	(2)	Entry of infected person into public conveyance without notifying fact of infection, or his wandering about or loitering in the street.	Fifty rupees.
	(3)	Permitting or abetting the contravention of the provisions of sub-section (*1*) or sub-section (*2*).	Fifty rupees.
	(4)	Carrying infected person in public conveyance . .	Fifty rupees.
372	(1)	Failure to take public conveyance to appointed place for disinfection.	Fifty rupees.

1		2	3
Section	Sub section or clause	Subject	Fine which may be imposed
372	(3)	Using before obtaining certificate from Health Officer a public conveyance in which an infected person travelled	Fifty rupees
373		Letting or sub letting of infected building without previous disinfection etc	Two hundred rupees
379		Failure to give information of birth	Twenty rupees
380		Failure of medical officer in charge of hospital to give information of birth	Twenty rupees
381		Failure to give information of death	Twenty rupees
382	(1)	Failure of medical attendant to give information of death	Twenty rupees
383		Failure of person performing funeral ceremonies to give particulars of death	Twenty rupees
384	(1)	Failure of informant of birth or death to sign register	Twenty rupees
389		Use or allowance of use of unregistered burial or burning ground	One hundred rupees
		Use or allowance of use of unlicensed burial or burning ground	Five hundred rupees
390		Failure to give information of burials or burnings in burial or burning ground	Twenty rupees
391		Construction of vault or grave or burial of corpse in place of public worship	Five hundred rupees
392		Burial or burning in place after prohibition	Two hundred rupees
393		Burial or burning in place contrary to Act or by laws	Fifty rupees
394		Discharge of office of grave attendant without license	Twenty rupees
400	(3)	*Failure to give information to census enumerator*	*Two hundred rupees*
401	(1)	Failure to obey requisition to act as census enumerator *or to obey instructions of superintendent*	One hundred *rupees.*
402	(2)	Failure of occupier to fill up census form and deliver it to authorized person	Two hundred rupees
418	(2)	Prevention of inspection of board exhibiting by laws and rules	Fifty rupees
	(3)	Destruction etc of board exhibiting by laws and rules	Ten rupees.

1		2	3
Section.	Sub-section or clause.	Subject.	Fine which may be imposed.
426	(5)	Failure to produce license on request . . .	Ten rupees.
429	..	Failure to obey requisition by President to attend, produce document or give evidence.	One hundred rupees.
438	(1)	Failure of occupier to obey requisition to permit owner to comply with provisions of Act.	Fifty rupees for each day.
466	..	Obstructing or molesting Municipal contractors, etc. .	Two hundred rupees.
467	..	Removing mark set up for indicating level, etc. .	Two hundred rupees.
468	..	Removal, etc., of notice exhibited by or under orders of the Corporation.	One hundred rupees.
469	..	Unlawful removal of earth, sand, or other material from land vested in the Corporation or deposit of matter or encroachment in or on river, estuary, etc.	Fifty rupees

SCHEDULE XVII.

Penalties for continuing Breaches.

(See section 421.)

1		2	3
Section.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
111	..	Failure to obey requisition by auditors to attend, give evidence or produce document.	Seventy rupees.
206	..	Causing damage to water-supply works . . .	Twenty rupees.
207	..	Unlawful opening or removal of lock, cock or pipe, or drawing of water.	Twenty rupees.
221	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Ten rupees.

1		2	3
Section	Sub-section or clause	Subject	Daily fine which may be imposed.
223	(2)	Keeping of public latrine or urinal without license .	Ten rupees.
	(3)	Allowing public latrine or urinal to be in unclean condition and improper order	Ten rupees.
224	.	Failure to obey requisition to provide latrine or to remove latrine to another site	Ten rupees
225	..	Failure to provide latrines and urinals for premises used by large numbers of people	Ten rupees
226		Failure to obey requisition to provide latrines and urinals for market cattle stand or cart stand.	Ten rupees
239	.	Failure to obey requisition to fence building or land, or trim, prune or cut hedges and trees	Ten rupees
252	..	Unlawful making of hole or placing of obstruction in street	Ten rupees.
253	..	Construction, etc, of building without license where street or footway is likely to be obstructed	Ten rupees
	..	Failure to fence, etc, such buildings while under repair	Ten rupees.
259	..	Failure to obey requisition to repair, etc, tank, or other place dangerous to passengers or persons living in neighbourhood	Ten rupees.
262	..	Construction of external roofs, etc, of building with inflammable materials	Ten rupees.
285	..	Failure to keep external walls of premises in proper repair	Ten rupees
300	.	Allowing rubbish or offensive matter to accumulate on premises for more than twenty four hours	Ten rupees
306	..	Failure to obey requisition to clear, or cleanse, etc, building or land in filthy state or overgrown with prickly pear or other noxious vegetation	Ten rupees
307	..	Failure to obey requisition to lime wash or otherwise cleanse building	Ten rupees
312	(a)	Unlawful keeping of swine . . .	Five rupees
	(b)	Unlawful keeping of animal so as to be a nuisance or dangerous	Five rupees
314	..	Use of place as livery, hack stable or cattle stand, etc, without license or contrary to license	Ten rupees

1		2	3
Section.	Sub-section or clause.	Subject.	Daily fine which may be imposed.
316	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or rules.	Ten rupees.
317	..	Removal of carcass of animal	Five rupees.
320	..	Fouling of water in source of water-supply in carrying on trade or manufacture.	Five hundred rupees.
323	..	Use of place without license for offensive or dangerous trades or for purposes endangering health, life or property.	Fifty rupees.
324	..	Unlawful erection of any machinery or steam-boiler by the use of which smoke is produced or health of neighbourhood is endangered.	Ten rupees.
325	..	Use of place for sale or storage of timber, firewood, or other combustible, without license or contrary to license.	Ten rupees.
326	..	Storage of timber, firewood or other combustible, for private use contrary to directions given for guarding against fire.	Twenty rupees.
332	..	Use of place as slaughter-house without license or contrary to license.	Fifty rupees.
343	..	Opening private market without license or contrary to license.	One hundred rupees.
344	..	Keeping open private market without license or contrary to license.	One hundred rupees.
346	..	Sale or exposure for sale of animal or article in unlicensed private market.	Twenty rupees.
349	..	Breach of market regulations	Ten rupees.
350	..	The carrying on of butcher's trade without license .	Ten rupees.
367	..	Failure to obey requisition to cleanse or disinfect building or article.	Ten rupees.

SCHEDULE XVIII.

Areas and Boundaries of the Esplanade.

(See section 470).

The Esplanade means the following three areas of which the boundaries are as follow :—

1st. The Monument Esplanade (excluding Popham's Esplanade road).—Bounded *on the north* by straight lines drawn from stone to stone, between M.D. Zone Mark No. 27,

on the North Beach road, opposite to the High Court and a point, 165 feet westward, from Mark No 24 in the straight lines between Zone Marks Nos 24 and 23, where it crosses the western compound wall of the Ordnance line abutting on Irusappa Maistri street, *on the south* by Fraser s Bridge road and North Fort side road, *on the east* by North Beach road, and *on the west* by Irusappa Maistri street

2nd The Benfield Esplanade (excluding Moore's road and Esplanade foot path) — Bounded *on the north* by Fraser's Bridge road *on the south* by the General Hospital road, *on the east* by the Wallaja or Benfield Esplanade road, and *on the west* by Naimappa Naick street or Memorial Hall road

3rd' The Medical College Esplanade —Bounded *on the north* by the General Hospital road, *on the south* by the river Cooum, *on the east* by the Wallaja road, and *on the west* by the Medical College

---

MADRAS ACT No IV of 1904 [1]

[THE MADRAS VILLAGE PANCHAYATS' REGULATION AND THE MADRAS VILLAGE COURTS ACT AMENDMENT ACT, 1904]

[*5th December, 1904 , 19th December, 1904*]

An Act to amend the Madras Village Panchayats' Regulation, 1816, and the Madras Village Courts Act, 1888

Reg V
Act I

WHEREAS it is expedient to amend the Madras Village Panchayats' Regulation, 1816, and the Madras Village Courts Act, 1888 , It is hereby enacted as follows — Preamble

1. This Act may be called the Madras Village Panchayats' Regulation and the Madras Village Courts Act Amendment Act, 1904 Short title

Reg V 16

2. To section 16, sub-section 2, of the Regulation, the following words shall be added, namely, " if the village is not situated within the local limits of the jurisdiction of any District Munsif, the Subordinate Judge, or if there be no Subordinate Judge, the District Judge within the local limits of whose jurisdiction the village is situated shall be deemed to be the District Munsif for the purposes of this section " Amendment of section 16 of Mad Regulation V of 1816

Act I 9

3. To the definition of the words " District Judge " or " District Munsif " in section 5 of the Village Courts Act, 1888, the following words shall be added, namely, " if the village is not situated within the local limits of the jurisdiction of any District Munsif, the Subordinate Judge, or if there be no Subordinate Judge, the District Judge, within the local limits of whose jurisdiction the village is situated shall be deemed to be the District Munsif for the purposes of this Act " Amendment of section 5 of Madras Act I of 1889

---

[1] For the Statement of Objects and Reasons, *see* Fort St George Gazette, 1904, Pt IV, p 432 , and for Proceedings in Council, *see Ibid*, p 589
The assent of the Governor General was published in the Fort St George Gazette of the 3rd January, 1905

MADRAS ACT No. I OF 1905.[1]

[THE MADRAS ABKARI (AMENDMENT) ACT, 1905.]

[31st March, 1905; 14th April, 1905.]

An Act to amend the Madras Abkári Act, I of 1886.

Preamble. WHEREAS it is expedient to amend the Madras Abkári Act, 1886 (hereinafter referred to as "the said Act"); It is hereby enacted as follows:

Short title. **1.** This Act may be cited as the Madras Abkári (Amendment) Act, 1905.

Insertion of a new section after section 5. **2.** The following shall be inserted in the said Act as section 5-A:

[5A. *Vide supra*, p. 639].

Addition of a proviso to section 34. **3.** The following shall be added as a proviso to section 34 of the said Act:

[*Vide supra*, p. 650].

Amendment of section 40. **4.** In section 40, sub-section (*1*), of the said Act, between the words "accepted under the provisions of section 31" and the word "forthwith" the following words shall be inserted, namely:

"or of section 34;"

and in sub-section (*3*), between the words "on bail" and the words "such officer" the following words shall be inserted, namely:

"or when such Abkári officer as aforesaid has himself made the arrest."

Addition of a proviso to section 40. **5.** The following shall be inserted as a proviso to section 40 of the said Act:

[*Vide supra*, p. 651].

THE MADRAS PORT TRUST ACT, 1905.

(MADRAS ACT No. II OF 1905.)

TABLE OF CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

---

[1] For the Statement of Objects and Reasons, *see* Fort St. George Gazette, 1905, Pt. IV, p. 4; and for Proceedings in Council, *see Ibid*, p. 197.

The assent of the Governor General to this Act was published in the Fort St. George Gazette of the 2nd May, 1905.

CHAPTER II.

THE BOARD OF TRUSTEES.

CHAPTER III.

OFFICERS AND SERVANTS OTHER THAN THE CHAIRMAN.

SECTIONS.

CHAPTER IV.

PROPERTY OF THE BOARD.

CHAPTER V.

WORKS AND SERVICES.

CHAPTER VI.

IMPOSITION AND RECOVERY OF RATES.

CHAPTER VII

LOANS

CHAPTER VIII.

Expenditure.

CHAPTER IX.

Accounts, Estimates and Contracts.

CHAPTER X.

Pilots and Harbour Masters.

CHAPTER XI.

By-laws.

CHAPTER XII.

PENALTIES

CHAPTER XIII

MISCELLANEOUS

SCHEDULES

MADRAS ACT No. II of 1905.[1]

[The Madras Port Trust Act, 1905.]

[*19th April, 1905; 17th May, 1905.*]

An Act to amend and consolidate the law relating to the Port of Madras.

Preamble.

WHEREAS it is expedient to amend and consolidate the law relating to the regulation, conservancy and improvement of the Port of Madras; It is hereby enacted as follows:—

CHAPTER I.

Preliminary.

Short title.

1. This Act may be called the Madras Port Trust Act, 1905.

Commencement.

2. This Act shall come into force on such date as the Local Government may, by notification in the *Fort St. George Gazette*, direct.[2]

Enactment repealed.

3. On the coming into force of this Act, the Acts specified in Schedule I shall be repealed.

Saving clause.

4. References in any Act or instrument to any of the Acts repealed by this Act or to any provision of any of such Acts shall be construed as references to this Act or to the corresponding provisions of this Act and all notifications published, proclamations or certificates issued, powers conferred, forms prescribed, local limits defined, offices established, by-laws, orders, rules and appointments made, engagements entered into, licenses or permits granted, and other things duly done under any of such enactments, shall be deemed, so far as the same are consistent with the provisions of this Act, to have been respectively published, issued, conferred, prescribed, defined, established, made, entered into, granted or done under the provisions of this Act.

[Interpre]tation clause.

5. In this Act, unless there be something repugnant in the subject or context,

"Board."

(*1*) "Board" means the Trustees of the Port of Madras appointed under this Act;

"Chief Officer of Customs."

(*2*) "Chief Officer of Customs" denotes the chief executive officer of Sea Customs for the Port of Madras for the time being;

"Dock."

(*3*) "Dock" includes basins, locks, cuts, entrances, graving docks, graving blocks, inclined planes, patent slips, grid-irons, quays, warehouses, and

---

[1] For the Statement of Objects and Reasons, *see* Fort St. George Gazette, 1904, Extraordinary, p. 569; for the Report of the Select Committee, *see Ibid*, 1905, Pt. IV, p. 5; and for the Proceedings in Council, *see Ibid*, 1904, Pt. IV, p. 590; *ibid*, 1905, Pt. IV, pp. 72, 200. The assent of the Governor General to this Act was published in the Fort St. George Gazette of the 6th June, 1905.

[2] The Act came into force on the 1st July, 1905, *see* Fort St. George Gazette, 1905, Part I, p. 459.

other works and things appertaining to any dock, and also denotes the portion of the sea enclosed by the arms or groynes of the harbour ,

(*4*) "Goods" means and includes every kind of moveable property , "Goods"

(*5*) "Harbour" means the artificial harbour at Madras consisting of the "Harbour" enclosing groynes and the enclosed space and the corresponding foreshore east of the beach road and all buildings structures and appliances provided by the Local Government or the Board for the purposes of the Harbour and of the vessels using it ,

(*6*) "Land" includes the bed of the sea below high water mark , "Land"

(*7*) "Master" when used in relation to any vessel, means any person "Master" having for the time being the charge or control of such vessel except a pilot or harbour master ,

(*8*) "Owner," when used in relation to goods includes any consignor, "Owner" consignee, shipper or agent for the sale custody loading or unloading of such goods , and when used in relation to any vessel, includes any part owner, charterer, consignee or mortgagee in possession thereof ,

(*9*) "Pier" includes any stage stairs landing place, hard jetty, landing "Pier" stage, floating barge, or pontoon and any bridges or other works connected therewith ,

(*10*) "Port" means the Port of Madras within such limits as may from "Port" time to time be defined by the Local Government for the purpose of this Act by notification in the *Fort St George Gazette*, and until a notification is so issued within such limits as may have been defined by the Government under
II the provisions of the Madras Harbour Trust Act, 1885 ,

(*11*) "Rate" includes any toll, due rent, rate or charge leviable under "Rate" this Act ,

(*12*) "Vessel" denotes anything made for the conveyance by water of "Vessel" human beings or of property ,

(*13*) "Wharf" includes any part of the foreshore that may be used for "Wharf" loading or unloading goods, and any wall enclosing or adjoining the same

---

CHAPTER II

THE BOARD OF TRUSTEES

6. The duty of carrying out the provisions of this Act shall, subject to such conditions and limitations as are hereinafter contained, be vested in a Board to be called "The Trustees of the Port of Madras," and such Board shall be a body corporate and have perpetual succession and a common seal, and shall sue and be sued by the aforesaid name

Imposition of duty of working the Act on a Board

7. (*1*) No person shall be qualified to be a Trustee who,

Disqualifications for office of Trustee.

(*a*) has been convicted and sentenced to imprisonment for an offence which in the opinion of the Government disqualifies him from being a Trustee, if such sentence has not been reversed or set aside, or

(*b*) is an uncertificated bankrupt or insolvent, or

(*c*) holds any office or place of profit under the Board, or

(*d*) has, directly or indirectly, any share or interest in any work done by order of the Board, or in any contract or employment with, by, or on behalf of, the Board:

Provided always that no person shall be disqualified or be deemed to have any share or interest in such work, contract or employment by reason only of his,

(*a*) having a share in any Joint-Stock Company which shall contract with or be employed by, or on behalf of, the Board, or

(*b*) having a share or interest in any newspaper in which any advertisement relating to the affairs of the Board may be inserted, or

(*c*) being interested in any loan of money to the Board, or

(*d*) having a share or interest in any lease, sale, exchange or purchase of immoveable property or any agreement for the same, or

(*e*) having a share or interest in any license by the Board, or right by agreement or otherwise with the Board to the sole or preferential use of any railway sidings or any berth for vessels in the docks belonging to the Board, or

(*f*) having a share or interest in the occasional sale to the Board, to a value not exceeding two thousand rupees in any one official year, of any article in which he trades.

(*2*) Any Trustee who,

(*a*) becomes disqualified for any of the aforesaid reasons, or

(*b*) refuses to act or becomes incapable of acting, or

(*c*) is absent from the meetings of the Board for a period exceeding six consecutive months, or, without the permission of the Board previously applied for, from six consecutive ordinary meetings of the Board, or

(*d*) is sentenced to imprisonment for any offence,

shall cease to be a Trustee, and his office shall thereupon become vacant.

titution Board.

8. The Board shall consist of a Chairman and not less than eight nor more than twelve other members of whom not less than three shall be natives of India residing in the City of Madras.

ction of istees.

9. Four of the Trustees shall be elected by the members for the time being of the Madras Chamber of Commerce, and one by the members for the time being of the Madras Trades Association in such manner as shall from time to time be determined at a meeting of the members of the said Chamber or Trades Association convened in accordance with the rules of such Chamber or Association. The Chairman of the said Chamber and the Chairman of the said Trades Association shall each make a return to the Local Government of the name of every person so elected by the Chamber and Trades Association, respectively, and such return shall be published in the *Fort St. George Gazette.*

10. The Chairman and remaining Trustees shall be appointed by the Local Government by notification in the *Fort St George Gazette*

Appointment of Chairman and nominated Trustees

11. The Chairman and other Trustees of the Harbour of Madras holding office immediately before this Act comes into force shall be the first Chairman and Trustees of the Port of Madras under this Act Subject to the provisions hereinafter contained, the said Chairman and Trustees shall hold office up to, and inclusive of, the 31st of March next succeeding, and thereafter every person appointed or elected to be such Chairman or Trustee shall hold office for a term of two years commencing on the 1st of April, but the Local Government may at any time accept the resignation of any such Chairman or Trustee

Term of office of Chairman and Trustees

12. The election of Trustees under section 9 shall be held on some day not earlier than the first and not later than the fifteenth day of the month of March next preceding the 1st of April from which their term of office is to commence, and the nominated Trustees shall be appointed on some day in the remainder of the said month of March

Election or appointment of Trustees in March

13. Any person ceasing to be a Trustee shall, unless disqualified under sub section (*1*) of section 7, be eligible for re-appointment or re election

Eligibility of Trustees for re appointment or re election.

14. The Local Government may, by an order under the hand of one of the Secretaries to Government, determine the appointment of any Chairman or Trustee appointed under section 10, and the person so named shall cease to be such Chairman or Trustee accordingly

Power to remove Chairman or Trustee

15. When any casual vacancy in the office of a Chairman or Trustee is occasioned by the death, resignation, removal or disqualification of such Chairman or Trustee, if the office vacated was that of Chairman, or Trustee appointed under section 10, the Local Government shall within one month, by an order published in the *Fort St George Gazette,* appoint a Chairman or Trustee, as the case may be, in the place of the person so ceasing to be a Chairman or Trustee Such appointment shall be subject to the provisions of section 8 If the office vacated be that of an elected Trustee, the vacancy shall be filled up within one month by the Chamber of Commerce or Trades Association as the case may be in the manner provided in section 9

Appointment or election of Chairman or Trustee in casual vacancy

16. The term, for which any person appointed or elected to be a Chairman or Trustee under section 15 shall hold office, shall terminate on the date on which the term of office of the Chairman or Trustee in whose place he is appointed or elected would have terminated under section 11

Term of office of person so appointed or elected.

17. If, exclusive of any person ceasing to be a Trustee, the number of the Trustees is not less than nine, and the conditions of section 8 remain fulfilled, it shall be lawful for the Local Government not to appoint a Trustee to the place of the person ceasing to be a Trustee

Option to leave casual vacancy unfilled.

18. In the event of default being made by the Chamber of Commerce or Trades Association in electing any Trustee under section 12 or section 15

Nomination of elected Trustees by

Local Government in default of election.

within the period prescribed in this behalf, it shall be lawful for the Local Government, by notification in the *Fort St. George Gazette*, to nominate a person, and the person so nominated shall be deemed to be an elected Trustee.

Grant of leave of absence to Chairman.

19. The Local Government may from time to time grant to the Chairman such leave of absence as they may deem fit, and any person appointed by the Local Government to act for the Chairman during any such absence on leave shall, while so acting, be deemed for all the purposes of this Act to be the Chairman.

Appointment of acting Trustee.

20. When any Trustee departs from the City of Madras with the intention of being absent for a longer period than three months, the Local Government may appoint some other person to act in the place of such absent Trustee until he returns to the City of Madras, or ceases to be a Trustee. The person so appointed shall be subject to all the restrictions and be entitled to all the privileges to which the Trustee for whom he is acting was subject or entitled.

Salary of Chairman.

21. (*1*) The Local Government may from time to time determine what salary and what allowances shall be paid to the Chairman, and may declare any conditions and restrictions upon and under which such salary and allowances, respectively, shall be payable.

Payment of Chairman's leave allowances and acting Chairman's salary.

(*2*) The allowance, if any, which the Local Government may direct to be paid to the Chairman during his absence on leave, and the salary which may be directed to be paid to the person appointed to act for him, shall be defrayed as provided in section 74.

Fees payable to Trustees.

22. Every Trustee other than the Chairman shall be entitled to a fee of thirty rupees for each meeting of the Board or Committee appointed under section 23, clause (3), at which a quorum is present and business is transacted and which he attends from the beginning to the end thereof: Provided that, if more than one such meeting is held in any one week, no more than thirty rupees shall be paid to any Trustee for his attendance at all such meetings during that one week.

Provisions concerning Board's proceedings.

23. The following provisions shall be observed with respect to the proceedings of the Board, namely:—

Procedure in case of casual vacancy.

(*1*) During any vacancy in the Board the continuing Trustees may act as if no vacancy had occurred;

Meetings, etc., for transaction of business.

(*2*) The Board shall meet together and shall from time to time make such arrangements not inconsistent with this Act with respect to the place, day, hour, notice, management, and adjournment of its meetings, and generally with respect to the transaction of business, as it may think fit, subject to the following conditions, namely:—

Ordinary fortnightly meetings.

(*a*) that a meeting shall be held once at least in every fortnight;

Special meetings.

(*b*) that the Chairman may, whenever he thinks fit, and shall, upon the written request of not less than three Trustees, call a special meeting;

(c) that no business shall be transacted at any meeting unless at least five Trustees are present throughout such meeting; Quorum

(d) that every meeting shall be presided over by the Chairman, if he is present at the time appointed for holding the same, and if and while he is absent, by such one of the Trustees present as may be chosen by the meeting, President at meetings

(e) that all questions shall be decided by a majority of votes of the Trustees present, the President having a second or casting vote in all cases of equality of votes, Decision of questions by majority of votes

(f) that if a poll be demanded the names of the Trustees voting and the nature of their votes shall be recorded by the President of the meeting, Demand of poll

(g) that minutes shall be kept by the Secretary of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the President of such meeting, and shall be open to inspection by any Trustee during office hours Minutes of proceedings

(h) The President may, with the consent of any meeting, adjourn it Adjournment of meetings

(i) A copy of the minutes of every meeting of the Board shall, as soon as conveniently may be, be transmitted to such Secretary of the Local Government as shall from time to time be appointed to receive the same, and shall be published in the *Fort St George Gazette* Transmission of minutes to Government and their publication in Gazette

(3) The Board may, from time to time, appoint Committees consisting of not less than five of its number for carrying into effect any part of the provisions of this Act, with such powers and under such instructions, directions, or limitations as shall be defined by the Board Three members of any such Committee shall be a quorum, and the Board shall have power at any time to alter the constitution of or discontinue any such Committee Appointment of Committees by Board

(4) A Committee may elect a Chairman of its meetings, and if no such Chairman is elected or if he is not present at the time appointed for holding the same, the members present shall choose one of their number to be Chairman of the meeting President at meetings of Committees

(5) Committees may meet and adjourn at their discretion, but the Chairman of the Board may whenever he thinks fit and shall, upon the written request of not less than two members of a Committee, call a special meeting of such Committee Meetings of Committees

(6) Questions at any meeting of a Committee shall be decided by a majority of votes of the members present, and in case of an equal division of votes the Chairman shall have a second or casting vote Decision of questions at meetings of Committees

(7) No business shall be transacted at any such meeting unless at least three of the members of the Committee are present from the beginning to the end thereof Quorum in Committees.

Validation of acts and proceedings.

24. No act or proceeding of the Board or of a Committee shall be invalid in consequence only of there being a vacancy in the number of the Trustees at the time when such act or proceeding was had or done, or by reason only of there being some defect in the appointment of such Board, Committee or Trustee, or on the ground that they or any of them were disqualified for the office of Trustee.

Delegation of powers to Chairman.

25. (*1*) The Board may, by resolution in writing, with the sanction of the Local Government, prescribe which of the powers and duties by this Act conferred or imposed upon the Board may be exercised and performed by the Chairman.

(*2*) The Board may, from time to time, with the like sanction, alter or cancel any such resolution.

Duties of Chairman.

26. The Chairman shall—

(*1*) attend every meeting of the Board unless prevented by sickness or other reasonable cause;

(*2*) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration; and in matters concerning the accounts and records of the Board;

(*3*) subject to the rules and regulations made under sections 28 and 93, and to the schedule for the time being in force framed by the Board under section 27, dispose of all questions relating to the service of the officers and servants of the Board, and their pay, privileges, and allowances.

CHAPTER III.

Officers and Servants other than the Chairman.

Schedule of Board's staff.

27. The Board shall, from time to time, prepare and sanction a schedule of the staff of officers and of servants whom the Board shall deem *it* necessary and proper to maintain for the purposes of this Act. Such schedule shall also set forth the amount and nature of the salaries, fees, and allowances which the Board sanctions for each such officer or servant:

Provided that artisans, porters and labourers, and the suppliers of porters and labourers, shall not be deemed to be officers or servants within the meaning of this section or of sections 28 and 29.

Power to frame regulations regarding leave, absentee allowances, acting allowances, length of service,

28. The Board shall, from time to time, frame regulations—

(*1*) for regulating the grant of leave to the officers (other than the Chairman) and servants of the Board;

(*2*) for authorizing the payment of allowances to the said officers and servants, or to any of them, whilst absent on leave;

(*3*) for determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;

(*4*) for regulating the period of service of all such officers and servants

(5) for determining the conditions under which such officers and servants or any of them shall be entitled, on retirement, to pensions, gratuities, or compassionate allowances, and the amount of such pensions, gratuities, or compassionate allowances, — pensions, etc, and.

(6) for authorizing the payment of contributions at prescribed rates and subject to prescribed conditions to any provident fund, which may, with the Board's approval, be established by the officers and servants appointed under this Act, or to such provident fund, if any, as may be established by the Board, with the approval of the Local Government for the benefit of such officers and servants, — contributions to provident fund

(7) for determining the conditions under which pensions, gratuities, or compassionate allowances may be paid to any of such officers and servants injured, or to the surviving relatives of any of such officers and servants killed, in the execution of their duty — Pensions in the case of subordinates injured or killed in the execution of duty

Subject to the provisions of section 94 al' pensions, contributions and allowances mentioned in this section shall be chargeable to the General Fund of the Board

Provided that the regulations framed under clauses (5), (6) and (7) of this section shall be subject to the approval of the Local Government — Proviso.

29. (*1*) Subject to the provisions of section 30 the power of appointing, promoting, suspending, dismissing, fining, reducing or granting leave to the officers and servants of the Board shall be exercised by the Chairman in the case of officers and servants, whose monthly salary does not exceed three hundred rupees, and in every other case by the Board — Power to appoint, punish or grant leave to officers and servants.

(*2*) The power of dispensing with the services of any officer or servant of the Board, otherwise than by reason of such officer's or servant's own mis conduct, or of permitting any such officer or servant to retire on a pension, gratuity, or compassionate allowance, shall, subject to the aforesaid provisions, be exercised by the Board alone — Power of dispensing with services or permitting retirement of officers or servants

30. Every order or regulation made by the Board under sections 27, 28 and 29 shall, *so far as the same relates to the* Secretary, Engineer, Traffic Manager, or Chief Accountant of the Board, be subject to the previous sanc tion of the Local Government — Prior sanction of Local Government to orders or regulations of Board

In this section the word "Engineer" means the Engineer of the highest grade on the Board's ordinary staff, and also any one who may from time to time be employed as Consulting Engineer to the Board on a monthly salary

CHAPTER IV.

PROPERTY OF THE BOARD

31. From and after the coming into force of this Act, the several immoveable properties specified in Schedule II and all moveable property held by or in trust for the Board of Trustees of the Harbour of Madras shall vest in the Board but subject to all charges and liabilities affecting the same. — Property vested in Board

Power to acquire, hold, or alienate property.

32. The Board shall, for the purposes of this Act, have power to acquire and hold immoveable or moveable property, whether within or without the limits of the port, and the Board shall also have power to lease or sell any immoveable or moveable property which may have become vested in or acquired by it:

Provided that no such acquisition of immoveable property not being an acquisition from the Secretary of State for India in Council shall be valid unless the consent of the Local Government to such acquisition shall have been first obtained:

Provided also that no such sale or lease for any term exceeding ten years of any immoveable property shall be valid unless the sanction of the Local Government thereto shall have been first obtained.

Application of Land Acquisition Act.

33. When any immoveable property is required for the purposes of this Act, the Local Government may declare that such property is required for a public purpose, and may order proceedings to be taken for obtaining possession of the same under the Land Acquisition Act, 1894.[1] Such property, when so acquired, shall, on payment by the Board of the compensation awarded and all costs connected with its acquirement, be deemed to be vested in the Board.

I of

Exemption from Municipal taxes.

34. Notwithstanding anything in the[2] Madras City Municipal Act, 1904, property vested in the Board shall be exempted from assessment to any rate or tax under the said Act.

Mad of

CHAPTER V.

WORKS AND SERVICES.

Power to execute works and provide appliances.

35. The Board may execute such works and provide such appliances as the Board may determine to be necessary or expedient for the purposes of the port.

General nature of works to be executed or appliances to be provided.

36. Such works and appliances may include—

(*1*) wharves, quays, docks, stages, jetties and piers within the port or on the foreshore of the port, with all necessary and convenient arches, drains, landing places, stairs, fences, roads, railways and approaches;

(*2*) railways, tramways, warehouses, sheds, engines and other appliances for conveying, receiving, and storing goods landed, or to be shipped or otherwise;

(*3*) moorings for carrying out the purposes of this Act, and cranes, scales and all other necessary means and appliances for loading and unloading vessels;

(*4*) reclaiming, excavating, enclosing and raising any part of the foreshore of the port which may be necessary for the execution of the works authorized by this Act, or otherwise for the purposes of this Act;

---

[1] General Acts, Vol. IV.
[2] Printed *supra*.

(*5*) such breakwaters and other works within or without the limits of the port as shall be expedient for the protection of the harbour or port,

(*6*) dredgers and other machines for cleaning, deepening and improving any portion of the port or foreshore,

(*7*) pilot-boats and other appliances necessary for the safe navigation of the port and of the approaches thereto within a distance of three miles from the limits of the port;

(*8*) vessels, steam tugs or other boats for use as well within the limits of the port as beyond those limits, whether in territorial waters or otherwise, for the purpose of towing or rendering assistance to any vessel, whether entering or leaving the port or bound elsewhere, and for the purpose of saving or protecting life or property and for the purpose of landing, shipping or transhipping goods under section 39

(*9*) boats, barges, and other appliances necessary in connection with the supply of water to shipping in the port,

(*10*) engines and other appliances necessary for the extinguishing of fires in the port and on the property of the Board,

(*11*) all such other works and appliances as may be, in the opinion of the Board, expedient for carrying out the purposes of this Act

Power to order survey or examination of works

37. The Local Government may, at any time, order a local survey or examination of any works of the Board, or the intended site thereof The cost of such survey and examination shall be borne and paid by the Board out of the moneys in the Board's hands by virtue of this Act

Power of Local Government to restore or complete works at the cost of Board

38. If, at any time, the Board allow any work or appliance constructed or provided by the Board or vested in it under this Act to fall into disrepair,

or do not, within a reasonable period, complete any work commenced by the Board, or included in any estimate sanctioned by the Local Government,

or do not, after due notice in writing, proceed to carry out effectually any work or repair or to provide any appliance which is necessary in the opinion of the Local Government for the purposes of this Act,

the Local Government may cause such work to be restored or completed or carried out, or such repair to be carried out, or such appliance to be provided, and the cost of any such restoration, completion, construction or provision shall be paid by the Board, and if the Board do not within a reasonable time provide for such payment, the same shall be recoverable in the manner pro-
9 vided in the Local Authorities Loan Act, 1879 [1]

Charges for landing shipping and transhipping goods

39. Subject to the provisions of any law for the time being in force, the Board may land, ship, or tranship goods between vessels in the port and the wharves, piers or docks in possession of the Board and may undertake the reception, removal, porterage or storage of goods brought within the premises of the Board

Grant of receipts by Board for

40. (*1*) Whenever any goods shall be taken charge of by the Board under the powers conferred by this Act, it shall, if thereunto required, give a receipt

[1] *See* now the Local Authorities Loans Act, 1914 (IX of 1914)

goods taken charge of by it. in the form or to the effect prescribed from time to time by the Local Government.

Liability for loss, etc., of goods when once taken charge of.

(2) No person to whom such receipt shall have been so given, nor the master nor the owner of the vessel from which the goods in respect of which such receipt shall be given may have been landed or transhipped, shall be liable for any loss or damage to such goods which may occur after they shall have been so taken charge of.

Responsibility of Board for loss, etc., of animals or goods.

41. (1) The responsibility of the Board for the loss, destruction or deterioration of animals or goods, whether landed for import or received for export or for carriage by railway,

during such time as the same remain in the possession or under the control of the Board,

shall, subject to the other provisions of this Act, and, subject also in the case of animals or goods received for carriage by railway to the provisions of the Indian Railways Act, 1890,[1] be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872,[2] omitting the words "in the absence of any special contract" in section 152 of the last-mentioned Act. IX of 1890. IX of 1872.

(2) With the previous sanction of the Local Government, and under such circumstances and conditions as the Local Government may prescribe, the Board may enter into an agreement relating to animals or goods landed for import or received for export or for carriage by railway, which may impose upon the Board a greater responsibility than that imposed by sub-section (1).

(3) Every such agreement must be in writing and must be signed by, or on behalf of, the Board.

CHAPTER VI.

Imposition and Recovery of Rates.

Scale of rates.

42. The Board shall frame a scale[3] of rates to be levied for each or any of the following matters, namely:—

(a) for the landing, shipping, wharfage, cranage, storage, or demurrage of goods at, and for the porterage of goods on, from, or within,

(b) for permission for vessels or boats to approach or lie alongside,

(c) and for animals or vehicles carrying goods and merchandise to or from or entering upon or plying for hire at or on

any wharf, pier, dock, land or building, in the possession or occupation of the Board,

and may frame a scale of rates for the landing, transhipping and shipping of goods at any place within the limits of the port.

Scale of charges for services in respect of vessel or goods, etc.

43. The Board shall also frame a scale of charges for any services to be performed by the Board or its servants in respect of any vessel or goods or for the use of any works or appliances provided by the Board.

---

1 General Acts, Vol. IV.
2 " " Vol. II.
3 *See* Fort St. George Gazette, 1911, Part III, p. 43.

44. (*1*) Every scale framed by the Board under section 42 or section 43 shall be submitted to the Local Government for sanction, and, when so sanctioned and [1]published in the *Fort St George Gazette*, shall have the force of law, and subject to the like sanction and publication may from time to time be amended or added to by the Board

Prior sanction of Local Government to such scales

(*2*) The Board may, in special cases, with the previous sanction of the Local Government, remit the whole or any portion of the rates or of any charge leviable according to any scale in force under this section

Remission of rates in special cases

45. (*1*) If, on the preparation of the estimate of any year, it appears that the estimated income of the Board for such year, after deducting therefrom the estimated expenditure of such year, will be insufficient for the payment of the interest which may be payable by the Board during such year to the Secretary of State for India in Council or to any other creditor, and of any sinking fund established under section 69 and of any sum the repayment of which is due in pursuance of any terms under section 63,

Power to increase rates to cover deficiency of revenue

or if, at any time in the course of a year, it appears that the income of such portion of the year as has then elapsed, and the estimated income of the residue of such year, after deducting therefrom the actual expenditure of such past portion and the estimated expenditure of such residue, will be insufficient for the payment of the said interest, sinking funds and sums due,

the Board may, and upon the requisition of the Local Government shall, increase the rates, for the time being in force, to such extent as will render the estimated income of the year sufficient, as nearly as may be, for the payment in full of the said interest, sinking funds and sums due

(*2*) Such increased rates shall be fixed by the Board, and shall be submitted to the Local Government, and, if approved by the Local Government, shall be published in the *Fort St George Gazette*, and shall become leviable after the expiration of three months from the date of such publication, and continue leviable until altered by the Board with the sanction of the Local Government

46. If the Board shall, for fifteen days after the receipt by the Chairman of any such requisition from the Local Government, neglect or refuse to submit to the Local Government for approval such increased rates the Local Government may, by notification in the *Fort St George Gazette*, increase such rates as they think fit, and such notification shall have the same force as if a new scale of rates to the same effect had been duly framed under section 42 or section 43 and sanctioned and published under section 44

Power of Local Government to enhance rates if Board fails to do so

47. The Board shall not lease, farm, sell or alienate any power vested in it under this Act of levying rates, without the assent of the Local Government

Disability of Board to lease rates without sanction of Local Government

---

[1] *See* Fort St George Gazette, 1908, Pt I, p 268

Payment of fines and damages to Board.

48. All moneys recovered from any offender under this Act by way of fine or damages shall be paid to the Board.

Payment of balance of Madras Port Fund to Board.

49. The Local Government may, in their discretion, at any time direct that the whole or any portion of the balance of the moneys credited under the [1]Indian Ports Act, 1889, to the account of the Port Fund of Madras, after defraying therefrom all expenses legally chargeable to the said account, shall be paid to the Board for the purposes of this Act. X of

Times for payment of rates on goods.

50. Rates in respect of goods to be landed shall be payable immediately on the landing of the goods; in respect of goods to be removed from the premises of the Board, or to be shipped for export, or transhipped, shall be payable before the goods are removed or shipped or transhipped.

Lien for rates.

51. For the amount of all rates leviable under this Act in respect of any goods, the Board shall have a lien on such goods, and may seize and detain the same until such rates are fully paid.

Priority of lien of Board over other liens and claims.

52. The lien for such rates shall have priority over all other liens and claims, except for general average and for the ship-owner's lien upon the said goods for freight and other charges where such lien exists and has been preserved in the manner provided in section 53, and for primage, and for money payable to His Majesty or the Secretary of State for India in Council.

Preservation of lien for freight after goods are landed.

53. If the master or owner of any vessel or his agent, at or before the time of landing from such vessel any goods at any dock, wharf, quay, stage, jetty or pier in the occupation of the Board, gives to the Board notice in writing that such goods are to remain subject to a lien for freight or other charges including landing charges payable to the ship-owner to an amount to be mentioned in such notice, such goods shall continue liable to such lien to such amount.

Retention of such goods until lien is discharged.

54. Such goods shall be retained in the custody of the Board, or with the consent of the Chief Officer of Customs in the public customs wharves and warehouses, at the risk and expense of the owners of the said goods until such lien is discharged as hereinafter mentioned; and godown or storage rent shall be payable by the party entitled to such goods for the time during which they may be so retained.

Discharge of ship-owner's lien for freight.

55. Upon the production to any officer appointed by the Board in that behalf of a document purporting to be a receipt for, or a release from, the amount of such lien, executed by the person by whom or on whose behalf such notice has been given, the Board may permit such goods to be removed without regard to such lien, provided that the Board shall have used reasonable care in respect to the authenticity of such document.

Sale of goods after two months if rates are not paid or lien for freight

56. If the rates payable to the Board in respect of any goods are not paid, or if the lien of the ship-owner for freight or other charges when such notice as aforesaid has been given, is not discharged, the Board may, and if required by or on behalf of the person claiming such lien for freight, or other charges

---

[1] *See* now the Indian Ports Act, 1908 (XV of 1908), General Acts, Vol. VI.

shall, at the expiration of two months from the time when the goods were placed in the Board's custody, or if the goods are of a perishable nature at such earlier period (being not less than twenty four hours after the landing of the goods) as the Board shall think fit, sell by public auction the said goods or so much as may be necessary to satisfy the amounts hereinafter directed to be paid out of the produce of such sale

is not discharged

57. Before making such sale, ten days' notice of the same shall be given by publication thereof in the *Fort St George Gazette*, unless the goods are of so perishable a nature as, in the opinion of the Board, to render their immediate sale necessary or advisable, in which event such notice shall be given as the urgency of the case admits of

Notice of sale

58. If the address of the owner of the goods has been stated on the manifest of the cargo or in any of the documents which have come into the hands of the Board, or is otherwise known, notice shall also be given to the owner of the goods by letter delivered at such address, or sent by post; but the title of a *bonâ fide* purchaser of such goods shall not be invalidated by reason of the omission to send the notice hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent

Notice of sale to owner

59. (*1*) The proceeds of every such sale shall be applied as follows —

Application of sale proceeds

(*a*) in payment of the expenses of the sale,

(*b*) in payment, according to their respective priorities, of the liens and claims excepted in section 52 from the priority of the lien of the Board,

(*c*) in payment of the rates and expenses of landing, removing, storing or warehousing the same, and of all other charges due to the Board in respect thereof

(*2*) The surplus, if any, shall be paid to the importer, owner or consignee of the goods, or to his agents, on his applying for the same provided such application be made within one year from the sale, or reason be shown to the satisfaction of the Board why such application was not so made, and, in case such application shall not be so made or reason shown, such surplus shall be held by the Board upon trust for the purposes of this Act

60. If the master of any vessel in respect of which any rates or penalties are payable under this Act, or under any by-laws, rules or orders made in pursuance thereof, refuses or neglects to pay the same or any part thereof on demand the Board may apply to the Chief Officer of Customs of the port, and that officer shall distrain or arrest such vessel and the tackle, apparel and furniture belonging thereto, or any part thereof, and detain the same until the amount so due to the Board is paid,

Recovery of rates and charges by distraint of vessel.

and, in case any part of the said rates or penalties, or of the cost of the distress or arrest, or of the keeping of the same, remains unpaid for the space of five days next after any such distress or arrest has been so made, the Chief Officer of Customs may cause the vessel or other thing so distrained or arrested to be sold, and, with the proceeds of such sale, shall satisfy such rates or penal-

ties and costs, including the costs of sale remaining unpaid, rendering the surplus (if any) to the master of such vessel on demand.

Grant of port-clearance after payment of rates.

61. If the Board give to the officer of Government whose duty it is to grant the port-clearance of any vessel a notice stating that an amount therein specified is due in respect of rates or penalties chargeable under this Act, or under any by-laws, rules or orders made in pursuance thereof, against such vessel, or by the owner or master of such vessel in respect thereof, or against or in respect of any goods on board such vessel, such officer shall not grant such port-clearance until the amount so chargeable has been paid.

Alternative remedy by suit.

62. Notwithstanding anything contained in the twelve sections last preceding and in section 48, the Board may recover by suit any rates, damages, expenses, costs, or in case of sale the balance thereof, when the proceeds of sale are insufficient, or any penalties or fines payable to, or recoverable by, the Board under this Act or under any by-laws made in pursuance thereof.

CHAPTER VII.

LOANS.

Power to raise loans.

63. (*1*) The Board may, with the previous sanction of the Local Government and of the Governor-General in Council, and after due notification in the Gazette, raise loans required for carrying out the purposes of this Act.

(*2*) Loans may be raised in the open market, or obtained from the Secretary of State for India in Council. The terms of all loans shall be subject to the approval of the Governor-General in Council.

Debentures.

64. (*1*) Debentures issued by the Board shall be in the form prescribed by Schedule III, and shall be transferable by endorsement.

(*2*) The right to issue in respect of moneys secured by such debentures shall be exerciseable by the holders thereof for the time being, without preference in respect of priority of date.

Place and currency of loans raised.

65. All loans contracted by the Board shall be raised in India, and in Indian currency unless the Local Government, with the previous sanction of the Governor-General in Council, shall, by a notification in the Gazette, otherwise direct.

Security for loans.

66. All loans may be raised on the security of—

(*a*) the property now vested, or which may hereafter become, vested, in the Board, other than any sums set apart by the Board as a sinking fund for the purpose of paying off any loan ; and

(*b*) the tolls, dues, rates, rents and charges leviable under this Act.

Remedies of Secretary of State in respect of loans made to Board.

67. The Secretary of State for India in Council shall have, in respect of loans made by him to the Board, or to the Trustees of the Harbour of Madras, the same remedies as debenture-holders ; and he shall not be deemed to possess any prior or greater rights in respect of such loans than debenture-holders.

Power to repay loans

68. The Board may apply any sums, which can be so applied without prejudicing the security of the other debenture-holders of the Board, in re-

paying to the Secretary of State for India in Council any sum which may remain due to him in respect of the principal of any loan although the time fixed for the repayment of the same may not have arrived before due date.

Provided that no such repayment shall be made of any sum less than ten thousand rupees, and that, if such repayment is made, the amount of interest in each succeeding instalment shall be adjusted so as to represent exactly the interest due on the outstanding principal

Establishment of sinking fund

69. In the case of loans raised by the Board which are not repayable before the expiration of one year from the date of the loan, the Board shall set apart half yearly out of its income as a sinking fund a sum sufficient to liquidate the loan within a period which shall not in any case, unless the previous consent of the Governor General in Council shall have been obtained, exceed thirty years, but the maximum period shall not in any case exceed sixty years Provided that a sinking fund need not in the absence of any stipulation to that effect be established in the case of loans taken from the Secretary of State for India in Council

Investment of sinking fund

70. (*1*) The sums so set apart shall be invested in securities of the Government of India, or in the Board's debentures and shall be held in trust for the purposes of the Act by two Trustees, one being the Board, and the other a person appointed by the Local Government

Application of sinking fund

(2) The Board may apply the whole or any part of the sums accumulated in the sinking fund in or towards the discharge of the moneys for the repayment of which the fund has been established provided that it pays into the fund in each year, and accumulates until the whole of the moneys borrowed are discharged a sum equivalent to the interest which would have been produced by the sinking fund or the part of the sinking fund so applied

Examination of sinking fund

71. The sinking fund established for the liquidation of any loan shall be subject to annual examination by the Accountant General, Madras, who shall ascertain whether the cash and the current value of the securities at the credit of the fund are actually equal to the amount which would have been accumulated had investments been regularly made, and had the rate of interest as originally estimated been obtained thereon The Trustees shall pay forthwith into the sinking fund any amount which the Accountant General may certify to be deficient

Interest on outstanding debt

72. (*1*) The debt already incurred to the Secretary of State for India in Council shall be deemed to have borne interest at the rate of four per cent per annum from, and after the first day of April 1902, and shall in future bear interest at the said rate, and any payments of interest on such debt at the said rate made after the first day of April 1902 shall be deemed to have been full and sufficient payments of interest

Repayment of outstanding debt

(2) The outstanding balance of the debt already incurred to the Secretary of State for India in Council shall be repaid upon such terms as to the time of repayment, and otherwise, as the Governor General in Council may approve

Power to raise loans on short-term bills.

73. Nothing contained in this Act shall prevent the Trustees from raising, with the sanction of the Governor-General in Council, loans under the Local Authorities Loan Act, 1904.[1] III

CHAPTER VIII.

EXPENDITURE.

Objects on which Board may spend money.

74. Subject to the provisions of section 94 and to any specific appropriation by the legislature, the rents, income, and other proceeds of any property vested in the Board under this Act and acquired by the Board thereunder and all moneys acquired by the Board under or by virtue of this Act shall be applied by the Board as follows and in the following order, namely,—

(*1*) the salaries, fees, allowances, pensions, gratuities, compassionate allowances, or other moneys due to the Chairman, officers and servants appointed under this Act, and the contributions, if any, authorised to be made to any provident fund established for the benefit of the said officers and servants;

(*2*) the cost of repairs to and the maintenance of the property vested in the Board, and all charges upon the same and all working expenses;

(*3*) the payment of any interest which is from time to time owing by the Board;

(*4*) payments to sinking funds and the repayment of the principal of loans as they fall due;

(*5*) the cost or portion of the cost of any new work, plant, vessel, or appliance which the Board may determine to charge to Revenue;

(*6*) the remuneration of the Trustees; and

(*7*) generally for the purposes of this Act.

Prior sanction of Local Government to charge expenditure to capital.

75. No expenditure shall be charged by the Board to capital without the previous sanction of the Local Government.

Works requiring sanction of Board or Local Government.

76. No new work, or appliance the estimated cost of which exceeds two thousand rupees, shall be commenced or provided by the Board, nor shall any contract be entered into by the Board in respect of any such new work or appliance until a plan and estimate of such work has been submitted to, and approved by, the Board; and, in case the estimated cost of any such new work or appliance shall exceed twenty-five thousand rupees, it shall not be commenced or provided until such plan and estimate have been sanctioned by the Local Government.

Restriction of expenditure to budget grant.

77. Save in a case of pressing emergency, the Board shall not, without the assent of the Local Government, spend on any item of expenditure any greater sum than shall have been allotted for that item in an estimate approved by the Local Government and for the time being in force.

[1] *See* now the Local Authorities Loans Act, 1914 (IX of 1914).

78. In a case of pressing emergency the Board may, without the assent of the Local Government, spend on any item of expenditure, on which the Board is empowered to spend money under this Act, Limit to excess of expenditure over budget grant

(*1*) any sum not exceeding five thousand rupees in excess of any sum which may have been allotted for that item in an estimate approved by the Local Government and for the time being in force;

(*2*) any sum not exceeding five thousand rupees on any item, for which no funds have been allotted in any such estimate.

Provided that whenever the Board sanctions any expenditure under this section the Chairman shall forthwith report to the Local Government the circumstances of the case and the manner in which the Board proposes to meet the expenditure

---

CHAPTER IX

ACCOUNTS, ESTIMATES AND CONTRACTS

79. In the accounts of the Board, a pilotage account shall be kept separate from the general account All fees for pilotage and all fines and penalties levied under this Act from pilots or harbour-masters or other persons employed in the pilot service shall be credited to the pilotage account and shall be held by the Board in trust Pilotage account

80. The accounts of the receipts and expenditure of the Board shall, once in every year, be laid before the Local Government and shall be audited and examined by such auditors as shall, from time to time, be appointed by the Local Government For the purposes of any such audit and examination of accounts, the auditors may, by summons in writing, require the production before them of all books, deeds, contracts, vouchers and all other documents and papers which they deem necessary, and may require any person holding or accountable for any such books, deeds, contracts, vouchers, documents, or papers to appear before them at any such audit and examination or adjournment thereof, and to answer all questions which may be put to him with respect to the same, or to prepare and submit any further statement which such auditors may consider necessary in explanation thereof Audit and examination of accounts Power of auditors to call for books, etc

81. Within fourteen days after the audit and examination have been completed, the auditors shall report upon the accounts audited and examined, and shall forward copies of their report to the Local Government and to the Board The Board shall cause the report and an abstract of the accounts to be published in the *Fort St George Gazette* and in some one or more of the daily newspapers published in Madras Publication of audit report

82. The auditors shall be paid by the Board such remuneration as the Local Government shall determine Auditors' remuneration

83. The Chairman shall, at a special meeting to be held on or before the twentieth day of January in each year, lay before the Board an estimate of the Submission to Board of annual

estimate of income and expenditure. income and expenditure of the Board for the financial year then next ensuing. Every such estimate shall be in such form as the Local Government shall direct.

Circulation of estimate to Trustees. **84.** Such estimate shall be completed and printed, and a copy thereof sent by post or otherwise to each Trustee not less than ten clear days at least prior to the day appointed for the special meeting before which the estimate is to be laid under section 83.

Revision and passing of estimate. **85.** It shall be in the discretion of the Board, at such meeting, to pass or to reject, the estimate, or to modify or alter it, and to pass it as so modified or altered.

Approval of estimate by Local Government. **86.** (*1*) Every such estimate, when so passed by the Board, shall be submitted to the Local Government not later than the tenth day of February; and the Local Government may either approve the estimate, or may return it with remarks and may call for such additional information as they may deem necessary; and the Board shall forthwith proceed to reconsider the estimate with reference to such remarks, and shall furnish such additional information as the Local Government may call for and shall, if necessary, modify or alter the estimate and shall re-submit it to the Local Government.

(*2*) The Local Government shall then pass, reject or modify all or any of the items entered in the estimate or add thereto any items: Provided that no such modification, rejection or addition be inconsistent with the provisions of this Act or involve the raising of a loan.

Preparation of supplemental estimates. **87.** The Board may, in the course of any year for which an estimate has been approved by the Local Government, cause one or more supplemental estimates for the residue of such year to be prepared and laid before the Board; and thereupon such proceedings shall be had as by sections 84, 85 and 86 are directed to be had with respect to the estimate therein mentioned. Every such supplemental estimate shall be considered by the Board and submitted to the Local Government in the same manner as if it were an original annual estimate.

wer to nter into contracts. **88.** The Board may enter into contracts for carrying into effect the purposes of this Act:

Provided always that no contract, under or by virtue of which a sum greater than fifty thousand rupees may in any event be payable by the Board, shall be valid without the assent of the Local Government.

Mode of executing contract. **89.** The Chairman may, for, and on behalf of, the Board enter into any contract, whereof the value or amount shall not exceed two thousand rupees, in like manner and form as if such contract were on his own behalf; but every other contract by, or on behalf of, the Board shall be passed by the Board and shall be in writing and signed by the Chairman and by two Trustees, and shall be sealed with the common seal of the Board. No contract made otherwise than in compliance with the requirements of this section and of sections 76 and 88 shall be valid.

Power to compound or compromise claims.

90. The Board may compound or compromise any claim or demand arising out of any contract entered into by the Board or any action or suit instituted by or against the Board.

CHAPTER X.

PILOTS AND HARBOUR MASTERS.

Pilotage fees.

91. The Board shall have the right and privilege of maintaining pilots or harbour-masters for the navigation of vessels at the port and all fees for pilotage shall be paid to the Board.

Appointment of pilots.

92. No person shall be appointed to be a pilot or harbour-master by the Board who is not for the time being authorized by the Local Government
9. under the provisions of the Indian Ports Act, 1889,[1] to pilot vessels.

Rules and regulations regarding pilots.

93. Notwithstanding anything contained in sections 27, 28 and 29, the Board may make such special rules[2] and regulations as it shall think fit—

(a) for fixing and regulating the wages and allowances for pilotage to be received by pilots or harbour-masters, and

(b) for regulating the behaviour and conduct of pilots or harbour-masters,

and shall enforce the observance of such rules and regulations by the imposition of pecuniary penalties not exceeding two hundred rupees for every breach thereof, or by suspension or deprivation of appointment, or otherwise, as to the Board may appear expedient:

Provided that such rules and regulations shall first have been approved by the Local Government, and published in the *Fort St. George Gazette*.

Expenditure on pilotage.

94. All sums credited to the pilotage account under section 79 may be applied, in such proportions as the Board shall from time to time direct, to the following purposes only, namely:—

(1) the purchase and maintenance in repair of such vessels, and the supply of such materials, stores or other things as the Board may deem it necessary to maintain or supply for the efficiency of the pilot service;

(2) the payment of the salaries and allowances of pilots or harbour-masters and other officers and servants of the Board employed in the pilot service or in the supervision thereof;

(3) the payment of pensions or retiring gratuities or compassionate allowances to pilots or harbour-masters and other officers and servants engaged in the pilot service, and of the contributions, if any, duly authorised to be made in their behalf to any provident fund;

---

[1] *See* now the Indian Ports Act, 1908 (XV of 1908), Genl Acts, Vol. VI.
[2] For rules, *see* Fort St. George Gazette, 1908, Pt. I, p. 790.

(4) the payment of pensions, gratuities, and compassionate allowances granted by the Board to pilots or harbour-masters and other officers and servants engaged in the pilot service, who have been injured in the execution of their duty, and to the surviving relatives of pilots or harbour-masters, officers and servants so engaged, who have been killed in the execution of their duty.

CHAPTER XI.

BY-LAWS.

Power to frame by-laws.

95. The Board may, from time to time, make by-laws[1] not inconsistent with the provisions of this Act or of the Indian Ports Act, 1889[2]— X of 18

(1) for the guidance of persons employed by the Board under this Act;

(2) for the safe and convenient use of the docks, wharves, quays, jetties, sheds, warehouses, railways, tramways, and other works constructed by the Board or vested in the Board under this Act;

(3) for the use of the public landing places constructed by or vested in the Board;

(4) for the reception, porterage, storage and removal of goods brought within the premises of the Board and for the exclusive conduct of these operations by the Board or persons employed by the Board;

(5) for keeping clean the harbour and basins and the works of the Board, and for preventing filth or rubbish being thrown therein or thereon;

(6) for the mode of the payment of the rates leviable under this Act;

(7) for regulating, declaring and defining the docks, wharves, quays, jetties, stages, and piers vested in the Board on which goods shall be landed from vessels and shipped on board vessels;

(8) for regulating the lighterage of cargo between ships, or between ships and shore or between shore and ships; and

(9) generally for carrying out the purposes of this Act.

Validity of by-laws.

96. No by-law, or alteration or revocation of a by-law, shall have effect until the same has been published for three weeks successively in the *Fort St. George Gazette* and has been approved by the Local Government.

Penalties for infringement of by-laws.

97. The Board may in such by-law prescribe such penalties as it shall deem fit for the infringement of the same: *provided* that no penalty for any one infringement of a by-law shall exceed one hundred rupees, nor, in case of a continuing infringement, shall any penalty exceed fifty rupees per diem for every day after the first during which such infringement continues.

Exhibition of by-laws and scales of rates and charges.

98. The Board shall cause the said by-laws and the scales of rates leviable by the Board to be printed in the English, Telugu, Tamil, and Hindustani

---

[1] For by-laws, *see* Fort St. George Gazette, 1912, Pt. I, p. 635.

[2] *See* now the Indian Ports Act, 1908 (XV of 1908), Genl. Acts, Vol. VI.

languages, and to be hung up at the several wharves, docks, and piers and other convenient places on the premises of the Board

99. The Local Government may, by an order published in the *Fort St. George Gazette* at any time, annul any such by law Cancellation of by laws

CHAPTER XII

PENALTIES

100. Any person who being a Trustee, or an officer or servant of the Board, shall acquire, directly or indirectly, any share or interest in any contract or employment with, by, or on behalf of, the Board, shall be deemed to have committed the offence made punishable by section 168 of the [1] Indian Penal Code Penalty for being interested in contracts with board.

Provided that nothing in this section shall apply to any person who under the proviso to sub section (*1*) of section 7 is to be deemed not to have any share or interest in any contract or employment

101. Any person employed under this Act, not being a public servant within the meaning of section 21 of the Indian Penal Code,[1] who shall accept or obtain, or agree to accept or attempt to obtain from any person, for himself or for any other person, any gratification whatever, other than legal remuneration, as a reward for doing or forbearing to do, any official act, or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person, or for rendering or attempting to render any service or disservice to any person with the Board or with any public servant as such, or with the Government, shall be liable to the same punishment as is provided by the Indian Penal Code[1] in the case of the like offence committed by a public servant Penalty for obtaining illegal gratification.

102. Any person who, when duly required so to do by any auditor of accounts under section 80, shall refuse or neglect to appear before such auditor or to produce any books, deeds, contracts, accounts, vouchers, documents or papers, or to answer any question or prepare and submit any statement, shall be punishable for every such neglect or refusal with fine which may extend to one hundred rupees Penalty for refusing or neglecting to appear before an auditor of accounts, etc

103. Any person who without license of competent authority wilfully deposits, or permits his servants to deposit any dust, dirt, dung, ashes, refuse or filth of any kind, or broken glass, earthenware, or rubbish, in or upon any wharf, dock or pier in the possession of the Board, or in or upon any part of the foreshore of the port shall be punishable with fine which may extend to ten rupees for each offence Penalty for depositing filth etc, on the wharves or foreshore.

[1] Genl. Acts, Vol I

Penalty for setting up any erection below high-water mark in the port.

104. (*1*) Any person, other than the Board or the Conservator of the Port, who shall, without first obtaining the written consent of the Local Government to his so doing, make, set up or fix, within the limits of the port, any wharf, quay, pier, mooring or other erection whatsoever, shall be punishable with fine which may extend to one thousand rupees, and to a further fine which may extend to one hundred rupees for every day during which he shall permit such wharf, quay, pier, mooring or other erection, to remain after notice to remove the same has been given to him.

(*2*) Any such wharf, quay, pier, mooring or other erection within the limits of the port may be removed by the Board and the person who made, set up, or fixed the same, shall be liable to pay all expenses which may be incurred by the Board in the removal thereof.

Penalty for understating quantity or weight of goods.

105. If it be found when goods are imported at, or exported from, any wharf, dock or pier in the possession of the Board, that the weight or quantity of such goods has been understated in any document presented to any officer of the Board for the purpose of enabling him to determine the rates payable in respect of the said goods, the owner of such goods shall be liable to pay to the Board such sum not exceeding twice the proper rates on the weight or quantity of goods so understated as may be determined by the Board, and the said sum shall, on the application of the Board, be recoverable under a Presidency Magistrate's warrant as if it were a fine inflicted by such Magistrate.

Penalty for evading tolls, etc.

106. Any person who removes or attempts to remove or abets the removal of any vessel or goods with the intention of evading payment of the rates lawfully due in respect thereof to the Board, shall be punishable with fine which may extend to fifty rupees.

Recovery of value of damage to property of Board.

107. If, through the negligence of any person having the guidance or command of any vessel, or of any of the mariners or persons employed on such vessel, damage shall be caused to any wharf, dock, pier or other work in the possession of the Board, the amount of such damage shall, on the application of the Board, be recoverable, together with the cost of such recovery, by distress and sale, under a Presidency Magistrate's warrant, of a sufficient portion of the boats, masts, spars, ropes, cables, anchors or stores belonging to such vessel: Provided that no such warrant shall issue until the master of such vessel has been duly summoned to appear, or, if he appears, until he has been heard; and provided also that no such warrant shall issue if the vessel was at the time under the orders of a duly authorised servant of the Board or officer in the pilot service of the port unless the damage caused was in no way attributable to the order, act or improper omission of such servant or officer.

Cognizance of offences against Act or by-laws.

108. Except as is otherwise provided all offences against this Act or against any by-law published under section 96 shall be cognizable by a Presidency Magistrate.

CHAPTER XIII.

MISCELLANEOUS.

109. Nothing in this Act shall affect any power vested in the Chief Officer of Customs under any law for the time being in force. Saving of power of Chief Officer of customs under existing law.

110. No suit or other proceeding shall be commenced against any person for anything done, or purporting to have been done, in pursuance of this Act without giving to such person one month's previous notice in writing of the intended suit or other proceeding, and of the cause thereof, nor after six months from the accrual of the cause of such suit or other proceeding. Notice and limitation of suits or other proceedings.

111. The Board shall not be liable for any act or default of any officer or servant appointed under this Act, or under the Indian Ports Act, 1889,[1] if the Board be appointed by Government, under the Indian Ports Act, to be Conservator of the Port, or of any person acting under the authority or direction of any such officer unless such act or default is done or made under the direction of the Board, Saving of liability of Board for acts of officers or servants.

nor for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers, or other things belonging to the Board,

nor shall the Board, or any of the said officers or servants, be liable in damages for any act *bonâ fide* done, or ordered to be done by them in pursuance of this Act.

112. The Chairman shall supply to the Local Government such returns and information as may be called for by the Local Government for the purposes of this Act. Submission of returns and information to Local Government.

113. If, at any time, it appears to the Local Government that the works intended to be executed by the Board under this Act have not been, and are not likely to be, properly carried out or maintained by the Board, the Local Government may give six months' notice, by order published in the *Fort St George Gazette*, that, unless, within that period, the Board take measures, to the satisfaction of the Local Government for the carrying out or maintenance of the said works, the powers by this Act conferred on the Board shall, at the end of such period, be withdrawn or revoked. If, at end of such period, the Board has not taken such measures, the Local Government may assume possession and management of the works already constructed, and may, by a like notification, declare the powers of the Board to be withdrawn or revoked, and upon publication of such notification, all immoveable and moveable property, all rights of levying and recovering rates and penalties, all benefit of contracts, and all rights of suit which at the time are vested in the Board, shall be transferred to, and vested in, His Majesty; and the rights of all creditors of the Board under this Act shall continue as against His Majesty to the extent of the property so transferred to and vested in him. Power of Local Government to take possession of works and cancel powers of Board.

[1] *See* now Act XV of 1908, Genl Acts, Vol VI.

SCHEDULE I.

(*See section 3.*)

ENACTMENTS REPEALED.

ACTS PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Year.	Number.	Short title or subject.
1886	II	The Madras Harbour Trust Act, 1885.
1886	III	The Madras Harbour Trust (Amendment) Act, 1886.
1892	I	The Madras Harbour Trust (Amendment) Act, 1892.
1898	II	The Madras Harbour Trust (Amendment) Act, 1898.
1900	III	The Madras Harbour Trust (Amendment) Act, 1900.

SCHEDULE II.

(*See section 31.*)

THE PROPERTIES VESTED IN THE BOARD.

Part I.

All that piece or parcel of land with the buildings, structures, and appliances thereon and all that sea space occupied by and enclosed in the north and south groynes of the existing Harbour at Madras, together with the moorings therein laid down, which said land and space together form the Madras Harbour and are bounded—

On the north by land bearing resurvey No. 1 of Tondiarpet division and by the sea, the line of such boundary running from a pillar erected on the north-west corner of the said premises being situate one hundred and ninety-five feet from the north-west corner of the Clive battery and bearing twelve degrees twenty-five minutes east of north from the said corner, for ninety yards to another pillar erected at the root of the said north groyne and thence along the sea edge of the rubble base of the said north groyne to the eastern boundary;

on the east by the sea, the line of such boundary following the sea edge of the rubble base of the said north groyne from north to south, thence across in a direct line to the sea edge of the rubble base of the said south groyne and so on along such sea edge to the southern boundary;

on the south by the sea, by the foreshore, and other land belonging to the Secretary of State, by land in the occupation of the South Indian Railway Company (Limited) and by land vested in the Corporation of Madras, the line of such southern boundary following the sea edge of the rubble base of the said south groyne from the eastern boundary up to the root of such groyne and thence a curved line running on a radius of about one thousand feet up to an iron post sunk below the level of the street at the junction of the southern and the western boundaries being situate eighty-seven feet from the north-eastern corner of the building now occupied by the Chartered Mercantile Bank and one hundred and thirteen feet nine inches from the south-east corner of the building; and

on the west by land vested in the Corporation of Madras, the line of such boundary running southwards from the north west pillar referred to in the northern boundary to the north west angle of the Clive battery, thence along the western side of such battery and for ten feet along the south side of same, thence for a distance of one hundred and fifty three feet to a pillar marking the joint Municipal and Harbour boundary, thence southwards as far as the iron post referred to in the southern boundary along a line coincident with the Municipal boundary of the First Line Beach Road

Excepting always from the said lands and premises the lands and buildings vested in the said Secretary of State included within the said boundaries and known respectively as the Clive battery comprising resurvey Nos 3823, 3824 and 3825, the office and premises of the Deputy Commissioner of Police and the Bonded Warehouse

Part II.

All that piece or parcel of land situate at Rayapuram in the City of Madras, together with the buildings and erections thereon and known as Carlton House bounded—

on the north side thereof by north side Mada Church Square Road and by a continuation of the revetment constructed by the Harbour Trust Board,

on the east by the sea edge of the said revetment,

on the west by east side Mada Church Road, and

on the south by portion of the said revetment, the premises belonging to Messrs Arbuthnot & Co and Tandavamurthi Chetti Street

Part III.

All that piece or parcel of land situate in Rayapuram aforesaid, together with the buildings and erections thereon and bounded—

On the north by Kalmandapam Road and a portion of the said revetment,

on the east by the sea edge of the said revetment,

on the west by east side Mada Church Road and resurvey No 348, and

on the south by a portion of the said revetment by Thiruvengada Naick lane and by resurvey No 348

Part IV.

All that piece or parcel of land situate at Rayapuram aforesaid, together with the buildings and erections thereon and bounded—

on the north by a pillar erected on the eastern boundary of Ghaus Mohideen Pettah Road placed at one thousand one hundred and forty seven yards north of the junction of such road with Kalmandapam Road and by a line running due east and west through such pillar to the sea edge of the said revetment,

on the east by the sea edge of the said revetment to a pillar erected at the western corner of Cassimode bay, thence across the bay by a line running due east and west to the sea edge of the revetment and thence along such sea edge to the southern boundary,

on the west by Ghaus Mohideen Pettah Road, and

on the south by the Kalmandapam Road and the line thereof produced to meet the eastern boundary

Excepting always the continuation of Flagstaff street passing through the said land and bearing resurvey No 3310

SCHEDULE III.

(*See section 64.*)

FORM OF DEBENTURE.

The Trustees of the Port of Madras.

The 19 .

No.

By virtue of the Act No. II of 1905 of the Council of the Governor of Madras for making Laws and Regulations, entitled "The Madras Port Trust Act, 1905," we, the Trustees of the Port of Madras, in pursuance of the powers vested in us in sections sixty-three and sixty-four of the above Act, and in accordance with the advertisement dated , in consideration of the sum of Rs. paid to us by promise to pay to the said or order the sum of Rs. thirty years after the date hereof, together with interest thereon at the rate of *per cent. per annum*, payable half-yearly on the day of and the day of . But if default shall be made for two consecutive half years, in either the payment of the interest or making the necessary investments on account of the sinking fund, the loan shall at once become repayable.

(*Signature of the Chairman and two Trustees.*)

MADRAS ACT No. III OF 1905.[1]

[THE MADRAS LAND ENCROACHMENT ACT, 1905.]

[*19th April, 1905 ; 22nd May, 1905.*]

An Act to provide measures for checking unauthorised occupation of lands which are the property of Government.

Preamble

WHEREAS it has been the practice to check the unauthorised occupation of lands which are the property of Government by the imposition of penal or prohibitory assessment or charge, and whereas doubts have arisen as to how far such practice is authorised by law and it is expedient to make statutory provision for checking such occupation ; It is hereby enacted as follows :—

Short title and extent.

1. This Act may be cited as "The Madras Land Encroachment Act, 1905." It extends to the whole of the Presidency of Madras.

Right of property in public roads, etc., waters and lands.

2. (*1*) All public roads, streets, lanes and paths, the bridges, ditches, dikes and fences, on or beside the same, the bed of the sea and of harbours and creeks below high water mark, and of rivers, streams, nalas, lakes and

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, Part IV, dated 23rd December 1904, p. 595 ; for Report of the Select Committee, *see ibid*, dated 27th February 1905, p. 45 ; for Proceedings in Council, *see ibid*, dated 28th February 1905, p. 75, and *ibid*, dated 18th April 1905, p. 206.

The assent of the Governor-General to this Act was published in the Fort St. George Gazette of the 6th June, 1905.

tanks, and all canals and water courses, and all standing and flowing water, and all lands, wherever situated save in so far as the same are the property—

(*a*) of any zamindar, poligar, mittadar, jagirdar, shrotriemdar or inamdar or any person claiming through or holding under any of them, or

(*b*) of any person paying shist, kattubadi, jodi, poruppu or quit rent to any of the aforesaid persons, or

(*c*) of any person holding under ryotwari tenure including that of a janmi in Malabar, or of a wargdar in South Canara or in any way subject to the payment of land revenue direct to Government, or

(*d*) of any other registered holder of land in proprietary right, or

(*e*) of any other person holding land under grant from Government otherwise than by way of license,

and, as to lands, save also in so far as they are temple site or owned as house site or backyard,

are and are hereby declared to be the property of Government except as may be otherwise provided by any law for the time being in force, subject always to all rights of way and other public rights and to the natural and easement rights of other landowners, and to all customary rights legally subsisting

(2) All public roads and streets vested in any local authority shall, for the purposes of this Act, be deemed to be the property of Government

Explanation—In this section "high water mark" means the highest point reached by ordinary spring tides at any season of the year

Levy of assessment on lands unauthorisedly occupied

3. Any person who shall unauthorisedly occupy any land which is the property of Government shall be liable to pay by way of assessment—

(*i*) if the land so occupied forms an assessed survey number or part thereof, the full assessment of such number for the whole period of his occupation or a part thereof proportionate to the area occupied, as the case may be, provided that, for special reasons, the Collector [1][or subject to his control, the Tahsildar or Deputy Tahsildar] may impose the full assessment of such number or any lesser sum irrespective of the area occupied,

(*ii*) if the land so occupied be unassessed, an assessment on the area occupied calculated for the same period at the rate imposed on lands of a similar quality in the neighbourhood, or at the highest dry or wet rate of the village as the case may be, or when no such rates exist in such manner as may be prescribed in rules or orders under section 8

Provided that payment of assessment under this section shall not confer any right of occupancy

---

[1] These words in square brackets were inserted by Mad Act VIII of 1914 s 2 *infra*

Explanation—For the purposes of this section occupation for an incomplete portion of a fasli may be deemed to be occupation for a whole fasli.

Conclusiveness of Collector's decision as to amount of assessment.

4. The [1] [*] decision as to the rate or amount of assessment payable under section 3 shall be recorded in writing and shall not be questioned in any civil court.

Liability of person unauthorisedly occupying land to penalty after notice.

5. Any person liable to pay assessment under section 3 shall also be liable at the discretion of the Collector, [2][or subject to his control, the Tahsildar or Deputy Tahsildar] to pay in addition by way of penalty—

(i) if the land be assessed land, a sum not exceeding five rupees or, when ten times the assessment payable for one year under section 3 exceeds five rupees, a sum not exceeding ten times such assessment, provided that no penalty shall ordinarily be imposed in respect of the unauthorised occupation of such land for any period not exceeding one year;

(ii) if the land be unassessed, a sum not exceeding ten rupees, or when twenty times the assessment payable for one year under section 3 exceeds ten rupees, a sum not exceeding twenty times such assessment.

Liability of person unauthorisedly occupying land to summary eviction, forfeiture of crops, etc.

6. (*1*) Any person unauthorisedly occupying any land for which he is liable to pay assessment under section 3 may be summarily evicted by the Collector, and any crop or other product raised on the land shall be liable to forfeiture and any building or other construction erected or any thing deposited thereon shall also, if not removed by him after such written notice as the Collector may deem reasonable, be liable to forfeiture. Forfeitures under this section shall be adjudged by the Collector and any property so forfeited shall be disposed of as the Collector may direct.

Mode of eviction.

(*2*) An eviction under this section shall be made in the following manner, namely :—By serving a notice in the manner provided in section 7 on the person reputed to be in occupation or his agent requiring him within such time as the Collector may deem reasonable after receipt of the said notice to vacate the land, and, if such notice is not obeyed, by removing or deputing a subordinate to remove any person who may refuse to vacate the same, and if the officer removing any such person shall be resisted or obstructed by any person, the Collector shall hold a summary inquiry into the facts of the case, and if satisfied that the resistance or obstruction was without any just cause and that such resistance or obstruction still continues, may issue a warrant for the arrest of the said person and on his appearance commit him to close custody in the office of the Collector or of any Tahsildar or Deputy Tahsildar for such period not exceeding 30 days as may be necessary to prevent the con-

---

[1] The word "Collector's" was omitted by Mad. Act, VIII of 1914, s. 2, *infra*.

[2] These words in square brackets were inserted by *ibid*., s. 2.

tinuance of such obstruction or resistance or may send him with a warrant in the form of the schedule for imprisonment in the civil jail of the district for the like period.

Provided that no person so committed or imprisoned under this section shall be liable to be prosecuted under sections 183, 186, or 188 of the Indian Penal Code[1] in respect of the same facts

f 1860 **7.** Before taking proceedings under section 5 or section 6 the Collector [2][or Tahsildar, or Deputy Tahsildar as the case may be] shall cause to be served on the person reputed to be in unauthorised occupation of land being the property of Government a notice specifying the land so occupied and calling on him to show cause before a certain date why he should not be proceeded against under section 5 or section 6 Prior notice to person in occupation

Such notice shall be served in the manner prescribed in section 25 of the
Act II Madras Revenue Recovery Act, 1864,[3] or in such other manner as the Local Government by rules or orders under section 8 may direct

8. The Local Government may make rules or orders either generally or in any particular instance— *Power to make rules*

(*a*) regulating the rates of assessment leviable under section 3,
(*b*) regulating the imposition of penalties under section 5,
(*c*) declaring that any particular land or class of lands which are the property of Government shall not be open to occupation,
(*d*) regulating the service of notices under this Act

Such general rules or orders shall be made only after previous publication

9. The amount of assessment and penalty imposed under this Act on any person unauthorisedly occupying any land shall be deemed to be land revenue and may be recovered from him as arrears of land-revenue under the provisions of the Madras Revenue Recovery Act, 1864,[3] or the Madras City Land Revenue
Act II (Amendment) Act, 1867,[3] as the case may be Recovery of assessment, or penalty levied as arrears of land revenue

Act VI [4]**10.** [(1) An appeal shall lie (*a*) to the Collector from any decision or order passed by a Tahsildar or Deputy Tahsildar under this Act, and (*b*) to the District Collector from any decision or order of a Collector passed otherwise than on appeal, and (*c*) to the Board of Revenue from any decision or order of a District Collector passed otherwise than on appeal There shall be no appeal against a decision or order passed by the Collector or the District Collector on appeal, but the District Collector may revise any decision or order passed by a Deputy Tahsildar, Tahsildar or Collector under this Act, and the Board of Revenue or the Local Government may revise any decision or order passed by any officer under this Act Appeal

---

[1] General Acts, Vol I
[2] These words in square brackets were inserted by Mad Act VIII of 1914, s 2, *infra*.
[3] *See supra*
[4] This section was substituted for the original s 10 by Mad Act VIII of 1914.

(2) Pending the disposal of any appeal or petition for revision under this Act, the Collector, the District Collector, the Board of Revenue or the Local Government, as the case may be, may suspend the execution of the order appealed against or sought to be revised.]

Limitation of appeal.

11. No appeal shall be brought after the expiration of sixty days from the date of the decision or order complained of, provided that in computing the period of sixty days, the time required to obtain a copy of the decision or order appealed against shall be excluded, but the appeal may be admitted after the period hereby prescribed when the appellant satisfies the authority to whom he appeals that he had sufficient cause for not preferring the appeal within the prescribed period.

Document accompanying petition of appeal.

12. Every petition of appeal under this Act shall be accompanied by the decision or order appealed against or by an authenticated copy of the same.

Saving of operations of other laws in force.

13. Nothing in this Act contained shall be construed as exempting any person unauthorisedly occupying land from liability to be proceeded against under any law for the time being in force :

Provided that if any penalty has been levied from any person under section 5 of this Act, no similar penalty shall be levied from him under any other law in respect of such occupation.

Saving of suits by persons aggrieved by proceedings under Act.

14. Nothing contained in this Act shall be held to prevent persons deeming themselves aggrieved by any proceedings under this Act except as hereinbefore provided, from applying to the civil courts for redress : Provided that the civil courts shall not take cognizance of any suit instituted by such persons for any such cause of action unless such suit shall be instituted within six months from the time at which the cause of action arose.

Explanation.—The cause of action shall be deemed to have arisen—

(*a*) in respect of any assessment or penalty, on the date on which such assessment or penalty was levied ;

(*b*) in respect of eviction or forfeiture, on the date of eviction or forfeiture.

'alidation of y of penal ssment ore the passing of Act. Saving of pending suits.

15. Every proceeding taken by a Collector for the recovery of any sum of money by way of penal or prohibitory assessment or charge from any person who has unauthorisedly occupied any land hereby declared to be the property of Government shall, if such sum has been recovered prior to the passing of this Act, be deemed to have been lawfully taken, provided that this section shall not apply to any suits pending when this Act comes into force in a Court of First Instance or in a Court of Appeal or affect the validity and operation of any decree or order already passed by a court of competent jurisdiction.

Saving of lands claimed by right of escheat, resumption or reversion.

16. Nothing in this Act shall apply to any lands claimed by right of escheat, resumption or reversion until such lands have been reduced into possession by Government.

SCHEDULE

FORM OF WARRANT TO BE ISSUED BY THE COLLECTOR UNDER SECTION 6



To

The Officer in charge of the Civil Jail at

Whereas *A B* of has resisted (or obstructed) *C D* in removing *E F* (or himself, that is, the said *A B*) from certain land in the village of in the taluk, and whereas it is necessary in order to prevent the continuance of such obstruction (or resistance) to commit the said *A B* to close custody You are hereby required under the provisions of section 6 of the Madras Land Encroachment Act 1905 to receive the said *A B* into the jail under your charge and there to keep him in safe custody for days

Dated this day of

(Signature of Collector)

MADRAS ACT No IV OF 1905 [1]

[THE MADRAS CITY POLICE ACT AMENDMENT ACT, 1905]

[23rd November, 1905 , 15th December, 1905]

An Act to amend the Madras City Police Act, 1888

WHEREAS it is expedient to amend the Madras City Police Act, 1888 ; It is hereby enacted as follows :— Preamble

1. This Act may be called the Madras City Police Act Amendment Act, 1905 Short title

2. In clause (iv) of section 71 of the Madras City Police Act, 1888, the words " except when there may be sufficient moonlight to render such light unnecessary " are hereby repealed Amendment of section 71 (iv) of Mad Act III of 1888

---

[1] [illegible] Pt IV, p [illegible] Gazette [illegible]

MADRAS ACT No. II OF 1907.[1]

[THE MADRAS HILL MUNICIPALITIES ACT, 1907.]

[*15th February, 1907 ; 11th March, 1907.*]

An Act to provide for the levy of enhanced taxation in Hill Municipalities and for the better control of buildings therein and for certain other purposes.

Preamble. WHEREAS *it is expedient to provide for the levy of enhanced taxation in* Hill Municipalities and for the better control of buildings therein and for certain other purposes ; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Madras Hill Municipalities Act, 1907 ; and it shall be read as supplemental to the Madras District Municipalities Act, 1884,[2] which, as amended by Madras Acts III of 1897 and I of 1899, is hereinafter called the principal Act. Ma IV

Local extent. **2.** It extends in the first instance to the Municipalities of Ootacamund, Coonoor and Kodaikanal, and the Local Government may by notification extend it to any other Municipality in a hill-station, whether such Municipality be constituted prior to or after the commencement of this Act, which may be declared by such notification to be a "Hill Municipality."

Repeal. **3.** In respect of Municipalities to which this Act extends or is extended, the sections of the principal Act specified in Schedule III shall be repealed to the extent therein mentioned.

"Re-construction." **4.** The expression "Re-construction", when used in this or in the principal Act with reference to a building, includes—

(*a*) the reconstruction of a building after more than one-half its cubical extent has been taken down or burnt down or has fallen down,

(*b*) the conversion of one or more huts or temporary structures into a masonry building, and

(*c*) the conversion into a place for human habitation of any building not originally constructed for human habitation.

Explanation.—Clause (*a*) applies whether the re-construction takes place entirely at the same time or by instalments at different times, and whether more than half the cubical extent has been taken down or burnt down, or has fallen down, at the same time or at different times.

---

[1] For the Statement of Objects and Reasons, *see* Fort St. George Gazette, 1906, Pt. IV, p. 259 ; for the Report of the Select Committee *see Ibid*, p. 315 ; and for the Proceedings in Council, *see Ibid*, 1906, Pt. IV, p. 288 ; *Ibid*, 1907, Pt. IV, p. 27.

The assent of the Governor-General to this Act was published in the Fort St. George Gazette of the 26th March 1907.

[2] See *supra*.

5. (*1*) Sections 9, 47, 63, 75, 178, 204 and 255 and the Schedules B, C and D of the principal Act shall be applied to the Municipalities to which this Act extends to or is extended with the following amendments, that is to say— Amendments of certain provisions of the principal Act

(*a*) To section 9 shall be added the following words — Amendment of section 9 of Mad Act IV of 1884

"If there be no such officer, the Collector of the District, or such Assistant or Deputy Collector as he may appoint in this behalf, shall be deemed to be the Revenue Officer in charge of the Division"

(*b*) In section 47, Amendment of section 47 of Mad Act IV of 1884

(*1*) at the end of clause (vi) the word "and" shall be omitted,

(*2*) immediately after clause (vi) shall be added the following two new clauses —

"(vii) a monthly tax on private menial and on domestic servants at a rate not exceeding two rupees per mensem for each such servant, provided that within the said maximum, the rate of the tax may differ for different classes of servants,"

"and (viii) a yearly lighting tax on buildings or lands or both, calculated on their annual value at a rate or rates not exceeding three per centum on such annual value,"

and at the end of the section the following proviso shall be added —

"Provided, further, that the lighting tax shall be levied only to enable the Municipal Council to provide for expenses connected with the lighting of the Municipality by means of gas or electricity, and that the proceeds of the said tax shall be devoted solely to defraying the said expenses"

(*c*) In sub section (*2*) of section 63, for the words "eight and a half per-centum", shall be substituted the words "ten per centum" Amendment of section 63 of Mad Act IV of 1884

(*d*) In sub section (*1*) of section 75, for the words "eight per centum", shall be substituted the words "ten per centum" Amendment of section 75 of Mad Act IV of 1884

(*e*) In section 178, between the words "telegraphic or telephonic wires," and the words "or for lamps", shall be inserted the words "or wires to convey electricity" Amendment of section 178 of Mad Act IV of 1884

(*f*) (*1*) In sub section (*2*) of section 204, between the words "or drink" and "he may detain," shall be inserted the words "or are adulterated or are not what they are represented to be" Amendment of section 255 of Mad Act IV of 1884

(*2*) In sub section (*3*) of the same section, between the words "or drink" and the words "he shall order," shall be inserted the words "or are adulterated or are not what they are represented to be"

(*3*) In sub section (*4*) of the same section, between the words "or drink" and "he may make" shall be inserted the words "or are not adulterated or are what they are represented to be"

Amendment of section 255 of Mad Act IV of 1884.

(*g*) In sub-section (*1*) of section 255, between clauses (iv) and (v) shall be inserted the following clauses :—

" (iv–*a*) relating to building sites, the construction and re-construction of buildings and the laying out of streets ;

" (iv-*b*) for the inspection of milch cattle and for the inspection, construction, ventilation, lighting, drainage and water-supply of dairies and cattle-sheds (whether within or without the Municipal limits) in the occupation of persons following within the Municipality the trade of dairyman or milk-seller ;

" (iv-*c*) for enforcing the cleanliness of stores and shops for milk or dairy-produce asnd of vessels used for containing milk or dairy-produce intended for sale or used by such persons as aforesaid."

Amendment of Schedule B of Mad. Act IV of 1884.

(*h*) (*1*) The following shall be added to Schedule B :—

	Half-yearly. Rs.	A.	P.
" For every motor-car other than a motor-bicycle . .	30	0	0
For every motor-bicycle	10	0	0"

Amendment of Schedule C. of Mad. Act IV of 1884.

(*2*) The following shall be added to Schedule C :—

	Tax for the half-year. Rs.	A.	P.
" Motor-car other than a motor-bicycle	30	0	0
Motor-bicycle	10	0	0"

Amendment of Schedule D of Mad. Act IV of 1884.

(*3*) The following shall be added to Schedule D :—

	Rs.	A.	P.
" On every motor-car other than a motor-bicycle . . .	0	8	0
On every motor-bicycle	0	4	0"

(*2*) In applying Chapter V of the principal Act to the Municipalities to which this Act extends or is extended the expression " this Act " wherever it occurs in that Chapter shall, unless there is something repugnant in the subject or context, be deemed to include this Act also.

Levy of tax on servants.

6. If the Municipal Council notify, under section 50 of the principal Act that a monthly tax shall be levied on private menial and on domestic servants, the Chairman shall impose such tax at the rate specified in such notification upon the employer of every such servant : provided that no such employer who during any half of the financial year, is liable to pay in the same Municipality the tax specified in clause (i) of section 47 of the principal Act, or who, during such half-year is liable, as owner, to pay in the same Municipality any of the taxes specified in clauses (ii), (iii) and (viii) of the said section, shall be liable to pay the tax on servants for any of the months during such half-year.

7. The tax on servants shall be payable in each month for each servant employed for not less than five days in such month and, if it remains unpaid at the end of the said period of five days, the Chairman shall serve upon the employer a notice requiring him to pay the sum due within three days from the date of such service

Payment of tax on servants

8. The Chairman may, by notice, require—

Requisition on employer, etc, for list of servants

(i) every employer of private menial and domestic servants, and

(ii) every secretary, owner or manager of a club, hotel or boarding house or of residential chambers,

to forward to him, within a specified time a list in writing signed by such employer, secretary, owner or manager, of the private menial and domestic servants employed by him or by every person resident in such club, hotel, boarding house or chambers

9. Every person, who during any half of the financial year, has paid under section 7 the monthly tax on servants imposed on him under section 6, and who in respect of the same half year has paid in the same Municipality the tax specified in clause (i) of section 47 of the principal Act or any of the taxes for which he is liable as owner, specified in clauses (ii), (iii) and (viii) of the said section, shall be entitled to a refund of the sum paid on account of the tax on servants

Refund of tax on servants

10. (*1*) If the Municipal Council notify under section 50 of the principal Act that a lighting tax shall be levied on buildings or lands or both such tax shall be levied at the rate or rates specified in such notification All the provisions of sections 63, 63 A, 64 65, 66, 68, 69, 69-A, 69 B, 69 C, 69 D, 72 and 73 of the principal Act shall, *mutatis mutandis*, apply to the lighting tax, provided that no such tax shall be levied upon any land used exclusively for agricultural purposes

Levy of lighting tax

(*2*) The Local Government may, by notification, exempt any part of a Municipality from the payment of the whole or any part of the lighting tax

11. (*1*) The Municipal Council may by notification in the District Gazette give notice of their intention to declare—

Power to regulate future construction of buildings

(*a*) that, in any street or portion of a street specified in the notice,—

(i) continuous building will be allowed,

(ii) the elevation and construction of the frontage of all masonry buildings thereafter constructed or re constructed shall, in respect of their architectural features, be such as the Municipal Council may consider suitable to the locality, or

(*b*) that, in any locality specified in the notice, the construction of only detached buildings will be allowed, or

(*c*) that, in any street, portion of a street, or locality specified in the notice, the construction of shops, warehouses, huts or sheds will not be allowed without the special permission of the Municipal Council

(2) No objection to any such declaration shall be received after a period of three months from the first publication of such notice in the District Gazette.

(3) The Municipal Council shall consider all objections received within the said period, and may then prepare a declaration relating to the street or locality referred to in the notice and submit the declaration to the Local Government, together with the said objections, if any, and their report upon them.

(4) The Local Government, after considering the said objections, if any, may confirm the declaration, with or without modification, but shall not modify it so as to extend its effect.

(5) When any such declaration has been so confirmed, it shall be notified in the District Gazette, and shall take effect from such date as may be fixed in such notification.

(6) No person shall construct or re-construct any building in contravention of any such declaration.

Application to construct or re-construct masonry building.

12. (1) If any person intends to construct or re-construct a masonry building, he shall send to the Chairman—

(a) an application in writing for approval of the site, together with a site plan of the land, and

(b) an application in writing for permission to execute the work, together with a plan of the building, and complete elevations, sections and specification of the work.

(2) Every document furnished under sub-section (1) shall contain the particulars, and be prepared in the manner prescribed in this behalf in Schedule II.

Necessity for prior approval of site.

13. The Chairman shall not grant permission to construct or re-construct a masonry building unless and until he has signified in writing his approval of the site on the application made under the last preceding section.

Prohibition against commencement of work, without permission.

14. The construction or re-construction of a masonry building shall not be commenced unless and until the Chairman has on the application made to him under section 12 granted written permission for the execution of the work.

Period within which Chairman is to signify approval or disapproval of site.

15. Within thirty days after the receipt of any application made under section 12 for approval of a site, or any information or further information required under Schedule II, the Chairman shall, by written order, either approve the site or refuse, on one or more of the grounds mentiond in section 19, to approve the site :

Provided that the making of such order shall not in any case be delayed for more than thirty days after the Chairman has received all the information which he considers necessary to enable him to deal finally with the said application.

16. Within thirty days after the receipt of any application made under section 12 for permission to execute any work, or of any information or documents or further information or documents required under Schedule II, the Chairman shall, by written order, either grant permission to execute the work or refuse, on one or more of the grounds mentioned in section 19 or section 20, to grant such permission

Period within which permission is to be granted or refused.

Provided that the said period of thirty days shall not, in any of the cases mentioned in this section, begin to run until the site has been approved

Provided also that the making of such order shall not in any case be delayed for more than thirty days after the Chairman has received all the information which he considers necessary to enable him to deal finally with the said application

17. (*1*) Whenever the Chairman refuses to approve a building site for a masonry building, or to grant permission to construct or re construct a masonry building, he shall state specifically in the order the grounds for such refusal and shall serve in the manner prescribed by section 271 of the principal Act a copy of the said order upon the applicant who may within sixty days from the date of such service appeal to the Municipal Council against such refusal

Record in writing of Chairman's order and appeal against refusal

(*2*) The decision of the Municipal Council shall be final

(3) If the Municipal Council reject such appeal, they shall, by written order, specifically state the grounds for such rejection

18. (*1*) If within the period prescribed by section 15 or section 16, as the case may be, the Chairman has neither given nor refused his approval of a building site, or his permission to execute any work, as the case may be, the Municipal Council shall be bound, on the written request of the applicant, made within sixty days after the expiration of such period, to determine, by written order, whether such approval or permission should be given or not

Grant or refusal of permission by Municipal Council.

(*2*) If the Municipal Council do not, within thirty days from the receipt of such written request, determine whether such approval or permission should be given or not such approval or permission shall be deemed to have been given, and the applicant may proceed to execute the work, but not so as to contravene any provision of this Act or any by law made under the principal Act

19. The only grounds on which approval of a site for the construction or re construction of a masonry building, or permission to construct or re construct a masonry building, may be refused are the following, namely —

Grounds for refusal of approval of site or permission to execute work.

(*1*) that the use of the site for such purpose would contravene one or more of the rules specified in Schedule I,

(2) that the work, or any of the particulars comprised in the site plan, building plan, elevations, sections or specification would contravene some specified provision of this Act or some specified by law made under the principal Act;

(*3*) that the application for such permission does not contain the particulars or is not prepared in the manner prescribed in Schedule II;

(*4*) that any of the documents referred to in section 12 have not been signed as prescribed in the said Schedule;

(*5*) that any information or document required by the Chairman under the said Schedule has not been duly furnished; or

(*6*) that the applicant has not satisfied the Chairman that there are no objections, which may lawfully be taken, on one or other of the foregoing grounds to the grant of the said approval or permission. The Chairman shall specify such grounds in writing.

Special powers of Chairman.

20. Notwithstanding anything contained in section 19—

(*a*) if any street shown in the site-plan is intended to be a private street, the Chairman may, at his discretion, refuse to grant permission to construct a masonry building or to convert one or more huts or temporary structures into a masonry building until the street is commenced or completed, and

(*b*) the Chairman may for special reasons to be recorded in writing grant permission to construct a masonry building, or to convert one or more huts or temporary structures into a masonry building, on any site without reference to its position in relation to any street.

Lapse of permission not acted upon within six months.

21. If the construction or re-construction of any masonry building is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this Act.

Inspection by Chairman.

22. The Chairman may inspect any building during the construction or re-construction thereof, or within one month from the date of receipt of the notice given under section 73 of the principal Act.

Power of Chairman to require alteration of building.

23. (*1*) If, on inspection, the Chairman finds that the work—

(*a*) is otherwise than in accordance with the plans which have been approved, or

(*b*) contravenes any provision of this Act or any by-law made under the principal Act,

he may by notice require the owner of the building within a period stated either—

(i) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans or provision of this Act or by-law, or

(ii) to show cause why such alterations should not be made.

(*2*) If the owner does not show cause as aforesaid, he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid, the Chairman shall by an order in writing cancel the notice issued under sub section (1), or confirm the same subject to such modifications as he may think fit

(4) The owner may appeal to the Municipal Council from any requisition made under sub section (1) or order passed under sub section (3) within sixty days from the date of such requisition or order

(5) The decision of the Municipal Council shall be final

24. Notwithstanding anything contained in this Act the Chairman may at any time stop the construction or re construction of any building if in his opinion the work in progress endangers human life — Stoppage of work endangering human life

25. The provisions of section 12, section 13, section 14 section 21, section 22, section 23, and section 24 shall so far as may be, be held to apply to a well — Application of certain sections to well

26. (1) Every person who intends to construct or re construct a hut or shed shall send to the Chairman— — Application to construct or re construct hut or shed

(a) an application for permission to execute the work, and

(b) a site plan of the land

(2) Every such application and plan shall contain the particulars and be prepared in the manner prescribed in this behalf in Schedule II

27. The construction or re construction of a hut or shed shall not be commenced unless and until the Chairman has granted written permission for the execution of the work on an application sent to him under section 26 — Prohibition against commencement of work without permission

28. Within thirty days after the receipt of any application made under section 26 for permission to construct or re construct a hut or shed, or of any information or plan or further information or fresh plan required under Schedule II, the Chairman shall, by written order, either grant such permission or refuse, on one or more of the grounds mentioned in section 31, to grant it — Period within which permission is to be granted or refused

Provided that the making of such order shall not in any case be delayed for more than thirty days after the Chairman has received all the information which he considers necessary to enable him to deal finally with the said application

29. (1) Whenever the Chairman refuses to grant such permission as aforesaid, he shall in the order state specifically the grounds for such refusal, and shall serve in the manner prescribed by section 271 of the principal Act a copy of the said order upon the applicant who may appeal within sixty days from the date of such service to the Municipal Council against such refusal — Record in writing of Chairman's order and appeal against refusal.

(2) The decision of the Municipal Council shall be final

(3) If the Municipal Council reject any such appeal, they shall, by written order, specifically state the grounds for such rejection

30. (1) If, within the period prescribed by section 28, the Chairman has neither granted nor refused to grant permission to construct or re construct a hut or shed, the Municipal Council shall be bound, on the written request — Reference to Municipal Council if Chairman

delays grant or refusal of permission.

of the applicant, made within sixty days after the expiration of such period, to determine by written order whether such permission should be granted or not.

(2) If the Municipal Council do not, within thirty days from the receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed to execute the work, but not so as to contravene any provision of this Act or any by-law made under the principal Act.

Grounds for refusal of permission.

31. The only grounds on which permission to construct or re-construct a hut or shed may be refused are the following, namely :—

(*1*) that the work would contravene some specified provision of this Act or some specified by-law made under the principal Act ;

(*2*) that the application for such permission does not contain the particulars or is not prepared in the manner prescribed in Schedule II ·

(*3*) that any information or plan required by the Chairman under the said Schedule has not been duly furnished : or

(*4*) that the applicant has not satisfied the Chairman that there are no objections which may lawfully be taken, on one or other of the foregoing grounds, to the grant of the said permission. The Chairman shall specify such grounds in writing.

Lapse of permission not acted upon within three months.

32. If the construction or re-construction of any hut or shed is not commenced within three months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this Act.

Application of provisions to alteration or addition.

33. (*1*) The provisions of this Act and of any by-law made under the principal Act relating to construction and re-construction of buildings shall also be applicable to any alteration thereof or addition thereto :

Provided that works of necessary repair which do not affect the position or dimensions or sanitary conditions of a building shall not be deemed an alteration or addition for the purposes of this section.

(*2*) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions or sanitary conditions of a building, such question shall be referred to the Municipal Council whose decision shall be final.

Demolition or alteration of building unlawfully commenced, carried on or completed.

34. (*1*) If the Chairman is satisfied—

(i) that the construction or re-construction of any building—

(*a*) has been commenced without obtaining the permission of the Chairman, or (where an appeal or reference has been made to the Municipal Council) in contravention of any order passed by the Municipal Council, or

(*b*) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based, or

(*c*) is being carried on or has been completed in breach of any provision of this Act or of any by-law made under the principal Act, or of any direction or requisition lawfully given or made under this Act or any such by law, or

(ii) that any alteration required by any notice issued under section 23 has not been duly made, or

(iii) that any alteration of, or addition to, any building, or any other work made or done for any purpose in, to, or upon any building, has been commenced or is being carried on or has been completed in breach of section 33,

he may make a provisional order requiring the owner of the building to demolish the work done, or so much of it as, in the opinion of the Chairman, has been unlawfully executed, or to make such alteration as may in the opinion of the Chairman be necessary to bring the work into conformity with the plans or particulars on which such permission or order was based or with the provision of this Act, by law, direction requisition or notice as aforesaid, and the Chairman may also direct that, until the said order is complied with, the owner do refrain from proceeding with the building

(2) The Chairman shall serve, in the manner prescribed by section 271 of the principal Act, a copy of the provisional order made under sub section (*1*) on the owner of the building together with a notice requiring him to show cause within a reasonable time to be named in such notice, why the order shall not be confirmed

(3) If the owner fails to show cause to the satisfaction of the Chairman, the Chairman may confirm the order, with any modification he may think fit, and such order so confirmed shall then be binding on the owner, provided that an appeal against such order shall lie within thirty days from the date of the *communication to the owner of such order to the Municipal Council, whose* decision shall be final

35. Notwithstanding anything contained in sections 26, 27, and 28 and in Schedule II, the Chairman may grant permission at his discretion on such terms as he may decide in each case to erect temporary huts or sheds for stabling, for watching potato or other crops, for storing building material or for other similar purposes, and shall give notice in such permission that the person obtaining the permission to remove such hut or shed within a period which shall be specified by the Chairman in such notice

Power of Chairman to permit erection of temporary hut or shed

36. The Local Government may in respect of all or any of the Municipalities or portion of a Municipality, exempt buildings generally or any class of buildings from all or any of the provisions in sections 11, 12, 13, 14 20, 25, 26 and 27 or in Schedules I and II

Power of Local Government to relax rules as to building

Prohibition against sale of article of food or drink or drug not of nature demanded.

37. No person shall sell to the prejudice of the purchaser any article of food or drink or any drug which is not of the nature, substance or quality of the article demanded by the purchaser :

Provided that an offence shall not be deemed to be committed under this section in the following cases, namely :—

(*a*) where any matter or ingredient not injurious to health has been added to such food or drink or drug to make the same fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure or to conceal the inferior quality thereof ;

(*b*) where such food or drug is a proprietary medicine or is the subject of a patent in force and is supplied in the state required by the specification thereof ;

(*c*) where such food or drink is a compound article or such drug is compounded ; and

(*d*) where such food, drink or drug has been unavoidably mixed with some extraneous matter in the process of collection or preparation.

Prohibition against sale of improperly compounded article of food or drink or drug.

38. No person shall sell any compound article of food or drink or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser :

Provided that no person shall be deemed guilty of an offence under this section in respect of any food, drink or drug mixed with any harmless matter or ingredient, if at the time of delivering the same he gives the purchaser notice that the said article is mixed.

Prohibition against abstraction of any part from article of food.

39. No person shall—

(*a*) abstract from any article of food any part thereof so as to affect injuriously the quality, substance or nature of such article, with intent that it should be sold in its altered state without notice, or

(*b*) sell any article so altered without making disclosure of the alteration.

Purchase of article of food or drink or drug for analysis.

40. The Chairman may require any seller of any food or drink or drug to sell the same, or part thereof, to him with the intention of submitting the same to analysis, and shall after the purchase is completed—

(*a*) forthwith notify such intention to the seller ;

(*b*) divide the article into three parts, each of which shall then and there be separated, marked and sealed or fastened up ;

(*c*) deliver one of the parts to the seller ;

(*d*) retain one of the parts for future comparison ; and

(*e*) if he thinks fit, furnish the third part to the Chemical Examiner to Government or such analyst as the Local Government may appoint in this regard.

Procedure after analysis.

41. If, on analysis or test, it appears that any offence against the provisions of this Act has been committed, the Chairman may take the article, of

which the sample was taken, before a Magistrate and the Magistrate shall pass such order as he thinks fit regarding its disposal

42. (*1*) No person shall sell milk, or dairy produce or flesh intended for human food or offer any such article for sale unless he has obtained a license to do so from the Chairman

Prohibition against sale of milk, dairy produce or flesh without license

(*2*) Such license may be refused or may be granted either unconditionally or upon conditions prescribed by the Chairman which conditions may, in the case of milk or dairy produce extend to the construction, ventilation, conservancy, supervision and inspection of the premises (whether within or without Municipal limits) where the cows from which the milk supply is derived are kept

Grant or refusal of license by Chairman.

(*3*) Such license shall expire at the end of the financial year for which it was granted and may be modified cancelled or suspended at any time by the Chairman in consequence of the breach of any of the conditions upon which it was granted or of the conviction of the licensee of an offence under section 37 or 39 in respect of the article to which the license refers

Period of license and modification etc, of license by Chairman

(*4*) If the Chairman neglect to pass orders upon an application for a license under this section and to communicate the same to the applicant within thirty days after receipt of the application, the applicant may apply to the Municipal Council who shall, within thirty days after the receipt of the application, pass such order thereon as they may deem fit

Grant or refusal of license by Municipal Council

(*5*) Every order passed by the Chairman under this section attaching conditions to the grant of a license or refusing, modifying, cancelling or suspending a license shall be in writing and shall state the grounds on which it proceeds, and any person aggrieved by such order may, within one month after receipt of such order appeal to the Municipal Council who shall pass such order thereon as they may deem fit

Record in writing of Chairman's order under this section and appeal against such order

43. (*1*) The Local Government may, on the recommendation of a Municipal Council and after previous publication, alter, add to or cancel in respect of all or any of the Municipalities any part of Schedules I and II

Power of Local Government to alter Schedules I and II

(*2*) All references in this Act to any of the aforesaid Schedules shall be construed as referring to such Schedule as for the time being amended in exercise of the powers conferred by sub section (*1*)

SCHEDULE I

Rules for Building sites

(*1*) If the building is to abut on a street, the site shall be of such a shape that the face of the building can be made parallel to the line of the street, or as nearly parallel to the said line as the Municipal Council may allow

Prohibition against sale of article of food or drink or drug not of nature demanded.

37. No person shall sell to the prejudice of the purchaser any article of food or drink or any drug which is not of the nature, substance or quality of the article demanded by the purchaser :

Provided that an offence shall not be deemed to be committed under this section in the following cases, namely :—

(*a*) where any matter or ingredient not injurious to health has been added to such food or drink or drug to make the same fit for carriage or consumption and not fraudulently to increase the bulk, weight or measure or to conceal the inferior quality thereof ;

(*b*) where such food or drug is a proprietary medicine or is the subject of a patent in force and is supplied in the state required by the specification thereof ;

(*c*) where such food or drink is a compound article or such drug is compounded ; and

(*d*) where such food, drink or drug has been unavoidably mixed with some extraneous matter in the process of collection or preparation.

Prohibition against sale of improperly compounded article of food or drink or drug.

38. No person shall sell any compound article of food or drink or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser :

Provided that no person shall be deemed guilty of an offence under this section in respect of any food, drink or drug mixed with any harmless matter or ingredient, if at the time of delivering the same he gives the purchaser notice that the said article is mixed.

Prohibition against abstraction of any part from article of food.

39. No person shall—

(*a*) abstract from any article of food any part thereof so as to affect injuriously the quality, substance or nature of such article, with intent that it should be sold in its altered state without notice, or

(*b*) sell any article so altered without making disclosure of the alteration.

Purchase of article of food or drink or drug for analysis.

40. The Chairman may require any seller of any food or drink or drug to sell the same, or part thereof, to him with the intention of submitting the same to analysis, and shall after the purchase is completed—

(*a*) forthwith notify such intention to the seller ;

(*b*) divide the article into three parts, each of which shall then and there be separated, marked and sealed or fastened up ;

(*c*) deliver one of the parts to the seller ;

(*d*) retain one of the parts for future comparison ; and

(*e*) if he thinks fit, furnish the third part to the Chemical Examiner to Government or such analyst as the Local Government may appoint in this regard.

Procedure after analysis.

41. If, on analysis or test, it appears that any offence against the provisions of this Act has been committed, the Chairman may take the article, of

which the sample was taken, before a Magistrate and the Magistrate shall pass such order as he thinks fit regarding its disposal

42. (*1*) No person shall sell milk, or dairy produce or flesh intended for human food or offer any such article for sale, unless he has obtained a license to do so from the Chairman

Prohibition against sale of milk, dairy produce or flesh without license

(2) Such license may be refused or may be granted either unconditionally or upon conditions prescribed by the Chairman which conditions may, in the case of milk or dairy produce extend to the construction ventilation, conservancy, supervision and inspection of the premises (whether within or without Municipal limits) where the cows from which the milk supply is derived are kept

Grant or refusal of license by Chairman.

(3) Such license shall expire at the end of the financial year for which it was granted and may be modified, cancelled or suspended at any time by the Chairman in consequence of the breach of any of the conditions upon which it was granted or of the conviction of the licensee of an offence under section 37 or 39 in respect of the article to which the license refers

Period of license and modification etc, of license by Chairman

(4) If the Chairman neglect to pass orders upon an application for a license under this section and to communicate the same to the applicant within thirty days after receipt of the application, the applicant may apply to the Municipal Council who shall, within thirty days after the receipt of the application, pass such order thereon as they may deem fit

Grant or refusal of license by Municipal Council

(5) Every order passed by the Chairman under this section attaching conditions to the grant of a license or refusing, modifying, cancelling, or suspending a license shall be in writing and shall state the grounds on which it proceeds, and any person aggrieved by such order may, within one month after receipt of such order, appeal to the Municipal Council, who shall pass such order thereon as they may deem fit

Record in writing of Chairman's order under this section and appeal against such order

43. (*1*) The Local Government may, on the recommendation of a Municipal Council and after previous publication, alter, add to or cancel in respect of all or any of the Municipalities any part of Schedules I and II

Power of Local Government to alter Schedules I and II

(2) All references in this Act to any of the aforesaid Schedules shall be construed as referring to such Schedule as for the time being amended in exercise of the powers conferred by sub section (*1*)

SCHEDULE I

Rules for Building sites

(*1*) If the building is to abut on a street, the site shall be of such a shape that the face of the building can be made parallel to the line of the street, or as nearly parallel to the said line as the Municipal Council may allow.

(*2*) If the site is within thirty feet of a tank, the applicant shall satisfy the Chairman that he will take such measures as will prevent any risk of the domestic drainage of the building passing into the tank.

(*3*) If the building to be constructed is a public building, a dwelling house or a building intended for human habitation,—

(*a*) the applicant shall produce a certificate from such officer, if any, as the Local Government may appoint in this behalf that the site is dry and well-drained or is capable of being well-drained ;

(*b*) if the site is a filled up tank, or has been filled up with or used for depositing rubbish, offensive matter or sewage, the applicant shall produce a certificate from such officer, if any, as the Local Government may appoint in this behalf that the site is, from a sanitary point of view, fit to be built upon ;

(*c*) the applicant shall satisfy the Chairman that the site is sufficient to permit of the provision of sanitary arrangements suitable for the description of the building which it is proposed to construct on the site.

(*4*) if the building is to be constructed on a site excavated wholly or partly out of the side of a hill, the applicant shall produce a certificate from such officer, if any, as the Local Government may appoint in this behalf that the measures proposed by the applicant to be taken in connection with the site and the building will be sufficient to prevent risk of injury to person or property by the slipping of the ground.

SCHEDULE II.

BUILDING RULES.

Part I.—Buildings generally.

Level of floor.

1. The floor or lowest floor of every building constructed or re-constructed from the ground-level must be constructed at such level as will admit of the construction of a drain sufficient for the effectual drainage of the building and placed at such level as will admit of the drainage being led into some public drain at the time existing or projected.

…ance be- …building …nd street …ment.

2. In any street laid out in a Municipality after this Act comes into force therein, the distance between the building line and the street alignment shall not be less than four feet.

Part II.—Masonry buildings generally.

Foundation.

3. (*1*) Except with the sanction of the Chairman—

(*a*) the foundation of a masonry building must rest on natural ground.

(*b*) the spread of the foundation must be such that the pressure on the soil, taking into account the load on the floors and terrace roof (if any) referred to in rules 9 and 11 shall not be greater than one ton on the square foot.

(*2*) The levels of the foundation must be such as the Chairman may consider satisfactory.

Plinth.

4. The plinth of a masonry building must be at least eighteen inches above the level of the centre of the nearest street.

5 Every wall of a masonry building must be constructed so as to rest upon proper footings — Footings for walls

6 The outer walls of a masonry building must be constructed of brick or some other hard and incombustible substance — Outer walls

7 All walls of a masonry building must be properly bonded — Bonding of walls.

8 If a masonry building exceeds one storey in height, every wall must be of such thickness as the Chairman may consider necessary to ensure safety — Special provisions in case of walls in building of more than one storey

9 The floors of every masonry building must be constructed to bear safely the maximum load to be carried, the allowance for live load not being less than fifty six pounds on the square foot — Floors

10 (1) All beams and girders in a masonry building must be supported by a breadth of brick work, stone or other solid substance sufficient to secure their stability — Beams and girders

(2) The bearing of a beam or girder on a wall shall not, without the sanction of the Chairman, be less than three fourths of the thickness of the wall

(3) No timber or woodwork in any building shall be placed—

(a) in any wall or chimney breast of the building nearer than nine inches to the inside of any flue stovepipe or chimney opening,

(b) under any chimney opening of the building within fifteen inches from the upper surface of the hearth thereof

11 Terrace roofs must be constructed to withstand such load, not less than forty pounds on the square foot, in addition to their own weight, as may be specified by an order of the Chairman — Terrace-roofs

Part III —Dwelling houses and other domestic buildings.

12 The height of a masonry building abutting on a street less than fifty feet wide shall in no case exceed one and a half times the width of such street — Height

13 Every room in a domestic building which is intended for human habitation—

(a) must be in every part not less than nine feet in height, measured from the floor to the under side of the beam on which the roof rests, — Size and ventilation of inhabited rooms

(b) must have a clear superficial area of not less than eighty square feet, and

(c) must be provided, for purposes of ventilation, with doors or windows opening directly into the external air, or into a verandah so opening

14 (1) There must be in the rear of every domestic building an open space extending along the entire width of the building and belonging exclusively to the building, unless the back of the building abuts on an open square or the like, of not less than twenty feet in width, which is dedicated to public use and is consequently not likely to be built upon — Open space in rear of buildings

(2) The minimum distance across such space from every part of the building to the boundary line, or (if the boundary is a wall) the inner edge of the boundary wall, of the building or land immediately opposite such part, shall be ten feet

15 If any person desires to construct a domestic building in a street laid out in any Municipality before this Act comes into force therein, upon a site which, prior to such date, was occupied by a domestic building, and the site is of such a nature that it is impracticable to provide an open space in the rear of the building of the dimensions prescribed by rule 14, the Chairman may relax the provisions of that rule — Relaxation of rule 14 in case of irregular site

Provided that—

(a) such open space shall be left as the Municipal Council may consider practicable, having regard to all the circumstances of the case, and

(*b*) not more than two-thirds of the total area of the site shall be occupied by masonry buildings or verandahs.

Raising and keeping open interior court-yards and out-ward open spaces.

16. (*1*) Every interior courtyard must be raised at least one foot above the level of the centre of the nearest street, so as to admit of easy drainage into the street.

(*2*) Every interior courtyard and every such open space must be open to the sky throughout its entire area, and no structure shall be erected within or above, or so as to project over, the same.

Part IV.—Applications for approval of sites for, and for permission to construct or re-construct, masonry building.

Form of application for approval of site.

17. (*1*) Every application for approval of a site for a masonry building must be written on a printed form (to be supplied by the Chairman free of charge), and must state the position of the site, the number, if any, assigned to it in the assessment book, its dimensions, and such other particulars as may be prescribed by the Municipal Council.

(*2*) The site-plan sent with such an application must be drawn to a scale of not less than one-fiftieth of an inch to a foot, must be sent in duplicate, and must show—

(*a*) the boundaries of the site;
(*b*) the position of the site in relation to adjoining streets;
(*c*) the name of the street in which the building is proposed to be situated;
(*d*) the position and dimensions of proposed urinals, drains, cesspools, stables, cattle-sheds, cow-houses, wells, and other appurtenances of the building; and
(*e*) such other particulars as may be prescribed by the Municipal Council.

Form of application for permission to construct or re-construct building.

18. (*1*) Every application for permission to construct or reconstruct masonry building must be written on a printed form (to be supplied by the Chairman free of charge,) and must state the description of the building, its dimensions, and such other particulars as may be prescribed by the Municipal Council.

(*2*) The plan of the building and the elevations and sections accompanying such an application must be neatly and accurately drawn to a scale of not less than one-eighth of an inch to a foot, and must be sent in duplicate, and the said plan must show—

(*a*) the levels and width of the foundation of the building;
(*b*) the level of the lowest floor of the building; and
(*c*) the level of all court-yards and open spaces in the building or premises, and the plinth level of buildings with reference to the level at the centre of the nearest street.

(*3*) The specification accompanying such an application must comprise full information as to the following particulars, namely:—

(i) the method of construction and the materials to be used;
(ii) the manner in which the surface drainage of land will be disposed of;
(iii) the means of access that will be available to scavengers to get to latrines;
(iv) the purpose for which it is intended to use the building; and
(v) if the building is intended to be used as a dwelling house for two or more families or as a place for carrying on any trade or business in which more than twenty people may be employed, or as a place of public resort,—the means of ingress and egress.

Explanation.—If it is intended to use the building or part thereof for any of the purposes specified in section 188 of the principal Act, or as a stable, cattle-shed, cow-house or as a place for the housing of goats, pigs, sheep or poultry, the fact must be expressly stated.

19. The plans must be signed by the applicant.

20 (*1*) Within thirty days from the date of receipt of an application under section 12 for approval of a site, the Chairman may require the applicant— Formulation of requirements and objections

(*a*) to furnish him with any information on matters referred to in this Schedule which has not already been given in the documents received thereunder, or

(*b*) to satisfy him that there are no objections which may lawfully be taken to the approval of the site

(*2*) Within thirty days from the date of receipt of an application under section 12 for permission to execute work, the Chairman may require the applicant—

(i) to furnish him with any information on matters referred to in this Schedule which has not already been given in the documents received thereunder, or with any document prescribed by that section which has not been sent in, or

(ii) to satisfy him that there are no objections which may lawfully be taken to the grant of permission to execute the work

(*3*) If any information or document required under sub rule (1) or sub rule (2) is or are, in the opinion of the Chairman incomplete or defective, he may, within thirty days from the date of receipt of the same, require further information or documents to be furnished

(*4*) If any requisition made under sub rule (1), sub rule (2) or sub rule (3) is not complied with within four months the application received under section 12 shall be deemed not to have been made

21 When the Chairman has approved any site plan or given permission to execute any work he shall sign such site plan or the approved plans of the work as the case may be, and shall return one copy of the same to the applicant *Signature of approved plans*

Part V —Huts and sheds generally

22 Except with the permission of the Chairman no portion of a hut or shed shall be placed within six feet of a masonry building Distance between hut or shed and masonry building

Provided that this rule shall not preclude the construction of huts or sheds in compounds in any case where masonry out offices would be permissible.

23 No hut or shed shall be of more than one storey or shall exceed twelve feet in height, measured from the top of the plinth to the junction of the eaves and wall Height

24 The plinth of a hut must be raised at least one foot above the level of the centre of the nearest street or passage Plinth

Part VI.—Huts on land occupied by or set apart for the construction of the same

25 Huts must be built in continuous lines, in accordance with an alignment to be prescribed by the Chairman and demarcated on the ground Continuous lines

26 Where an alignment prescribed under rule 25 does not correspond with the alignment of a street a passage of at least twelve feet, measured from eave to eave must be left between the rows of huts abutting on such prescribed alignment Passages

27 All passages referred to in rule 26 shall remain private property, subject to a right in the Municipal authorities to send carts along them or otherwise make use of them for any of the purposes of this Act and the principal Act Use of passages

28 Notwithstanding anything contained in rule 25, huts may, with the special sanction of the Chairman be built so as to form an open courtyard comprising at least one fourth of the whole area occupied by the huts and courtyard Courtyard

29 There must be between all huts except in the case of huts referred to in rule 28, a space of at least three feet, measured from eave to eave Space

Part VII.—Applications for permission to construct or re-construct huts or sheds.

Application for permission to construct or re-construct hut or shed.

30. (*1*) Every application for permission to construct or re-construct a hut or shed must be written on a printed form to be supplied by the Chairman free of charge.

(*2*) If it is intended to use the hut or shed or part thereof for any of the purposes specified in section 188 of the principal Act, or as a stable, cattle-shed, cow-house, or as a place for the housing of goats, pigs, sheep or poultry, the fact must be expressly stated in the said application.

(*3*) The site-plan sent with such an application must show the hut or shed, the means of access thereto from the street, and such other particulars as may be prescribed by the Municipal Council.

Formulation of requirements and objections.

31. (*1*) The Chairman may require the applicant—

(*a*) to furnish him with any information which has not already been given or with a proper site-plan, or

(*b*) to satisfy him that there are no objections which may lawfully be taken to the grant of permission to execute the work.

(*2*) If any information or plan required under sub-section (*1*) is, in the opinion of the Chairman, incomplete or defective, he may require further information or a fresh plan to be furnished.

(*3*) If any requisition made under sub-rule (1) or sub-rule (2) is not complied with within two months, the application received under section 26 shall be deemed not to have been made.

Part VIII.—Application of rules to alterations of, and additions to, buildings.

Restriction on application of rules 17 to 21 or 30 and 31.

32. Rules 17 to 21, or rules 30 and 31, as the case may be, shall not be applied in the case of any alteration of, or addition to, a building unless one or more of the following works is or are undertaken, namely:—

(*a*) the construction of a roof or an external or party wall,

(*b*) any repairs to the building which involve the re-construction of a lift-shaft or a chimney after the same has been entirely or in great part demolished,

(*c*) any other alteration of the internal arrangements of a building which affects its drainage or stability,

(*d*) the addition of any building, room, out-house or other structure.

[illegible] of provisional permission to proceed with work in cases of urgency.

33. (*1*) If, in any case of urgency arising from causes beyond his own control, any person desires to undertake without delay any of the works referred to in rule 32, he may send to the Chairman an application for provisional permission to proceed with the work.

(*2*) Such application must contain an explanation of the urgency and a general description of the work proposed to be undertaken.

(*3*) Within seven days from the date of receipt of any such application, the Chairman shall, by an order in writing, either grant or refuse to grant provisional permission to proceed with the work.

(*4*) If, within the said period, the Chairman has neither granted nor refused to grant such provisional permission, the same shall be deemed to have been granted.

(*5*) Whenever such provisional permission is granted, and in any case provided for by sub-rule (4), the applicant must, within thirty days, send to the Chairman a regular application for permission to execute the work; and, if he fails to do so, the provisional permission shall be deemed to have been withdrawn.

SCHEDULE III

Repeal

Number and year	Subject	Extent of repeal
Madras Act IV of 1884 as amended by Madras Act III of 1897 and I of 1899	The Madras District Municipalities	In section 47 clause (vii) and the second proviso
Do	Do	Section 96 A.
Do	Do	Section 96 B
Do	Do	Section 96 C
Do	Do	Section 96 D
Do	Do	Section 96 E
Do	Do	Section 180
Do	Do	Section 181
Do	Do	Section 181 A
Do	Do	Section 181 B

MADRAS ACT No III of 1907 [1]

[The Madras City Police (Amendment) Act, 1907]

[*2nd May, 1907 , 20th May 1907*]

An Act to provide for the control by the Inspector-General of Police of the Administration of the Madras City Police

Preamble

Whereas it is expedient to place the Commissioner of Police, Madras, under the control and direction of the Inspector General It is hereby enacted as follows —

Title and commencement

1 This Act may be called the Madras City Police (Amendment) Act, 1907 and it shall [2]come into force on such date as the Governor in Council may, by a notification in the *Fort St George Gazette* direct

Control of the Inspector General over the Commissioner of Police

2. Notwithstanding anything contained in the Madras City Police Act,
III 1888,[3] the Commissioner of Police for the City of Madras shall, in the exercise of his functions under the said Act, be under the control and direction of the Inspector General of Police for the Presidency of Madras subject to any rules that may be made under section 3, provided that such control and direction shall not extend to any matter in respect of which the said Commissioner of Police is, under the said Act, expressly made subject to the control and direction of the Local Government

Power of Local Government to make rules.

3. It shall be competent to the Local Government to make rules to limit and regulate the exercise of the powers of control and direction conferred on the Inspector General of Police by section 2 in respect of the Commissioner of Police for the City of Madras

[1] For the Statement of Objects and Reasons *see* Fort St George Gazette 1907, Pt IV, p 41, for the Proceedings in Council *see ibid* p 74

[2] This Act came into force on 1st Sept 1907, *see* Fort St George Gazette 1907 Pt I p 856

[3] *See supra*

MADRAS ACT No. IV OF 1907.[1]

[*4th December, 1907 ; 21st December 1907.*]

An Act to amend Madras Act III of 1904.

Preamble.

WHEREAS it is expedient to amend the Madras City Municipal Act, 1904; It is hereby enacted as follows :— Ma of 1

Short title.

1. This Act may be called the Madras City Municipal Act Amendment Act, 1907.

Amendment of section 12.

2. After the proviso to sub-section (*2*) of section 12 of the Madras City Municipal Act, 1904, the following additional proviso shall be inserted : Ma of 1

[*Vide supra*, pp. 917-918.]

Amendment of sub-section (*12*) of section 3.

3. In sub-section (*12*) of section 3 of the Madras City Municipal Act, 1904, after the word "under" the words and figure "sub-section (*1*) of" shall be inserted. Ma of 1

THE MADRAS ESTATES LAND ACT, 1908.

(MADRAS ACT No. I OF 1908.)

SUMMARY OF CONTENTS.

---

[1] For the Statement of Objects and Reasons, *see* Fort St. George Gazette, 1907, Pt. IV, p. 196; and for the Proceedings in Council, *see ibid*, p. 222. The assent of the Governor General to this Act was published in the Fort St. George Gazette of the 24th December, 1907.

SCHEDULE

THE MADRAS ESTATES LAND ACT, 1908

(MADRAS ACT No I of 1908)

TABLE OF CONTENTS

SECTIONS.

9. Right of landholder to eject a ryot.
10. Occupancy right heritable and transferable.
11. Use of land by the ryot.
12. Right to use of trees.
13. Right of occupancy ryot to make an improvement.
14. Right of non-occupancy ryot to make improvements.
15. Power of Collector to settle questions connected with improvement.
16. Registration of landholder's improvements.
17. Application to record evidence as to improvement.
18. Saving as to improvements made in ordinary course of cultivation.
19. Relations of ryots and landholders with their tenants.
20. Communal lands not assignable.
    Saving as to tank-beds.
21. Eviction of persons occupying communal lands contrary to rule.
22. Application of provisions of Madras Land Encroachment Act to orders under sections 20 and 21.
23. Presumption in favour of ryoti land.

CHAPTER III.

GENERAL PROVISIONS RELATING TO THE RATES OF RENT PAYABLE BY RYOTS.

24. Restriction on enhancement.
25. Rent payable on admission to possession of ryoti land after commencement of Act.
    Saving as to receipt of premium.
26. Enhancement of rent originally fixed at a lower rate in consideration of bringing waste land into cultivation or of making improvement upon the holding.
27. Presumption as to amount of rent and conditions of holding.
28. Presumption as to fair rate of rent.
29. Waram rates not liable to enhancement.
30. Enhancement of rent by suit.
31. Rules as to enhancement of rent on the ground of a rise in prices.
32. Rules as to enhancement of rent on the ground of land-holder's improvement.
33. Rules as to enhancement of rent on the ground of improvement by Government.
34. Rules as to enhancement of rent on the ground of fluvial action.
35. Enhancement of rent to be fair and equitable.
36. Power to order enhancement to be gradual.
37. Limitation of right to bring successive suits for enhancement of rent.

Reduction of Rent

CHAPTER V.

PAYMENT AND ARREARS OF RENT.

SECTIONS.

Deposit of Rent.

Appraisement and Division of Produce.

CHAPTER VI.

RECOVERY OF RENT BY SUIT OR BY DISTRAINT AND SALE OF MOVEABLE PROPERTY OR OF THE HOLDING.

SECTIONS

CHAPTER VII.

REPAIR OF IRRIGATION WORKS.

CHAPTER VIII.

ILLEGAL CESSES.

CHAPTER IX.

SUB-DIVISION AND TRANSFER OF HOLDINGS AND ESTATES.

CHAPTER X

RELINQUISHMENT AND EJECTMENT

CHAPTER XI

SURVEY, RECORD-OF-RIGHTS, AND SETTLEMENT OF RENTS

CHAPTER VII.

REPAIR OF IRRIGATION WORKS.

CHAPTER VIII.

ILLEGAL CESSES.

CHAPTER IX.

SUB-DIVISION AND TRANSFER OF HOLDINGS AND ESTATES.

CHAPTER X

RELINQUISHMENT AND EJECTMENT

CHAPTER XI

SURVEY RECORD OF RIGHTS AND SETTLEMENT OF RENTS

SECTIONS.

CHAPTER XII.

LANDHOLDER'S PRIVATE LAND.

CHAPTER XIII.

ACQUISITION BY LANDHOLDER OF LAND FOR BUILDING AND OTHER PURPOSES.

CHAPTER XIV.

CONTRACT.

CHAPTER XV.

Jurisdiction and Procedure.

Sections.

CHAPTER XVI.

Limitation.

CHAPTER XVII.

Supplemental.

Penalties.

General Right of Suit.

SECTIONS.

213. General right of suit for damages.

Agents of Landholders.

214. Power of landholder to act through agent.

Rules under Act.

215. Power of Local Government to make rules.

SCHEDULE.

Part A.—Suits triable by a Collector.

Part B.—Applications to be disposed of by District Collector, Collector or other Revenue-officer.

MADRAS ACT No. I OF 1908.[1]

[THE MADRAS ESTATES LAND ACT, 1908.]

[*25th March, 1908; 28th June, 1908.*]

An Act to declare and amend the Law relating to the holding of land in estates in the Presidency of Madras.

Preamble. WHEREAS it is expedient to amend and declare the law relating to the holding of land in estates in the Presidency of Madras; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

t title. **1.** This Act may be called the Madras Estates Land Act, 1908:

monceent. it shall come into force on the first day of July, 1908;

ocal extent. and it shall extend to the whole of the Presidency of Madras except the Presidency Town, the District of Malabar and the portion of the Nilgiri district known as the South-East Wynaad.

Repeal. **2.** Madras Acts VIII of 1865 and II of 1871 and section 7 of [2] Madras Act III of 1890, are hereby repealed.

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, 1905, Pt. IV, p. 173; for Report of Select Committee, *see ibid*, 1906, Pt. IV, p. 3, and for Proceedings in Council, *see ibid*, 1905, Pt. IV, pp. 368, 433, 509; *ibid*, 1907, Pt. IV, p. 226; *ibid*, 1908, Pt. IV, pp. 2, 41, 69, 97, 133, 163, 197, 229, 261, 293, 323, 353, 383, 413, 443, 487, 513, 537.

This Act is not in force in the taluqs of Nugur, Albaka and Cherla, *vide* s. 2 (2) of the Nugur, Albaka and Cherla Laws and Cesses Regulation, 1909 (1 of 1909), *supra*.

[2] The Madras Local Boards and Rent Recovery (Amendment) Act, 1890, *supra*.

3. In this Act, unless there is something repugnant in the subject or context,— Definitions.

(1) "Agriculture" with its grammatical variations and cognate expressions shall include horticulture. "Agriculture"

(2) "Estate" means— "Estate"

(a) any permanently settled estate or temporarily settled zamindari;

(b) any portion of such permanently settled estate or temporarily settled zamindari which is separately registered in the office of the Collector;

(c) any unsettled pálaiyam or jágír;

(d) any village of which the land-revenue alone has been granted in inam to a person not owning the kudivaram thereof provided that the grant has been made, confirmed or recognised by the British Government, or any separated part of such village;

(e) any portion consisting of one or more villages of any of the estates specified above in clauses (a), (b) and (c) which is held on a permanent under tenure.

(3) "Holding" means a parcel or parcels of land held under a single puttah or engagement in a single village. "Holding"

Provided that if the landholder and ryot so agree in writing any portion of a holding as above defined shall be treated as a separate holding.

(4) "Improvement" means with reference to a ryot's holding any work which materially adds to the value of the holding, which is suitable to the holding and consistent with the character thereof, and which, if not executed on the holding, is either executed directly for its benefit or after execution is made directly beneficial to it, and, subject to the foregoing provisions, includes— "Improvement"

(a) the construction of tanks, wells, water channels and other works for the storage, supply, or distribution of water for agricultural purposes;

(b) the construction of works for the drainage of land or for the protection of land from floods, or from erosion or from other damage by water;

(c) the reclaiming, clearing, enclosing, levelling, or terracing of land and the preparation of land for irrigation;

(d) the erection of buildings on the holding or in its immediate vicinity, elsewhere than on the village site, required for the convenient or profitable use or occupation of the holding, and the erection of dwelling houses for the ryot and his family and servants;

(e) the renewal or re-construction of any of the foregoing works, or alterations therein or additions thereto; and

(f) the planting of fruit trees and fruit gardens;

but does not include, unless made with the written consent of the

landholder, any work which prejudicially affects any other land of the landholder.

"Landholder."

(5) "Landholder" means a person owning an estate or part thereof and includes every person entitled to collect the rents of the whole or any portion of the estate by virtue of any transfer from the owner or his predecessor in title or of any order of a competent Court or of any provision of law.

Where there is a dispute between two or more persons as to which of them is the landholder for all or any of the purposes of this Act or between two or more joint landholders as to which of them is entitled to proceed and be dealt with as such landholder, the person who shall be deemed to be the landholder for such purposes shall be the person whom the Collector, subject to any decree or order of a competent Civil Court, may recognize or nominate as such landholder in accordance with rules to be framed by the Local Government in this behalf.

"Occupancy ryot."

(6) "Occupancy ryot" means a ryot having a permanent right of occupancy in his holding.

"Old waste."

(7) "Old waste" means and includes any land in an estate which, not being private land,

(1) has at the time of letting by the landholder been owned and possessed by him or his predecessors in title for a continuous period of not less than ten years and has continuously remained uncultivated during the time, such period being either after or partly before and partly after the passing of this Act, or within twenty years before the passing of this Act, or

(2) has at the time of any letting by the landholder after the passing of this Act, remained without any occupancy rights being held therein at any time within a continuous period of not less than ten years immediately prior to such letting,

and includes ryoti land in respect of which before the passing of this Act the landholder has obtained a final decree of a competent Civil Court establishing that the ryot has no occupancy right, and so long as no right of occupancy has been acquired subsequent to the date of such decree.

"Pay, etc."

(8) "Pay", "payable" and "payment" used with reference to rent include "deliver", "deliverable" and "delivery".

"Prescribed."

(9) "Prescribed" means prescribed from time to time by the Local Government by notification in the official Gazette.

"Private land."

(10) "Private land" means the domain or home-farm land of a landholder by whatever designation known, such as kambattam, khas, sir or pannai.

"Rent."

(11) "Rent" means whatever is lawfully payable in money or in kind or in both to a landholder for the use or occupation of land in his estate

for the purpose of agriculture, and includes whatever is payable on account of the use and enjoyment of water supplied or taken for cultivation of land, where the charge for such water has not been consolidated with the rent payable for the land

For the purposes of sections 59 to 72, 77 to 131, 143 to 148, 165, 210 and 211 and the Schedule, rent includes also

(*a*) any local tax, cess, fee or sum payable by a ryot as such in addition to the rent due in respect of land according to law or usage having the force of law and also money recoverable under any enactment for the time being in force as if it was rent,

(*b*) sums payable by a ryot as such on account of pasturage fees and fishery rents,

[1]* * * * * * * * * * * * *

(12) "Revenue-field" means a survey field, or any field or parcel of land, on which a definite rent is payable, or which in case of dispute may be declared by a Collector to be a revenue-field — "Revenue field"

(13) "Revenue officer" means a Collector, and includes any person appointed by the Local Government whether by name or in virtue of his office to exercise any of the functions of a Revenue-officer under this Act — "Revenue officer"

(14) "Revenue year" means the year ending on the 30th June — "Revenue year"

(15) "Ryot" means a person who holds for the purpose of agriculture ryoti land in an estate on condition of paying to the landholder the rent which is legally due upon it — "Ryot"

(16) "Ryoti land" means cultivable land in an estate other than private land, but does not include— — "Ryoti land"

(*a*) tank beds,

(*b*) threshing floors, cattlestands, village sites, and other lands situated in any estate which are set apart for the common use of the villagers,

(*c*) *lands granted on service tenure either free of rent or on favourable* rates of rent if granted before the passing of this Act or free of rent if granted after that date, so long as the service tenure subsists

(17) "Signed" includes stamped with the name of the person purporting to sign — "Signed"

(18) "Tahsildar" includes a Deputy Tahsildar — "Tahsildar"

(19) "Village" means any local area situated in or constituting an estate which is designated as a village in the revenue-accounts and for which the revenue-accounts are separately maintained by one or more karnams or which is now recognised by the — "Village"

---

[1] Clause (c) and the *Explanation* were repealed by Madras Act IV of 1909, s 2, *see* also s 1 of that Act, *post*

Local Government or may hereafter be declared by the Local Government for the purposes of this Act to be a village, and includes any hamlet or hamlets which may be attached thereto.

CHAPTER II.

GENERAL RIGHTS.

Landholders' right to collect rent.

4. Subject to the provisions of this Act, a landholder is entitled to collect rent in respect of all ryoti land in the occupation of a ryot.

Rent to be a first charge upon the holding and produce hereof.

5. (*1*) The rent of ryoti land, together with any interest which may be due in respect thereof, shall be a first charge upon the holding and upon the produce of the holding or any part thereof, provided that, if gathered, the produce is in the custody or possession of the ryot or deposited on the holding or on a threshing floor or place for treading out grain, or the like, whether in the fields or within the homestead.

(*2*) Nothing in this section shall be deemed to affect any right of the Government.

Occupancy right in ryoti land.

6. (*1*) Subject to the provisions of this Act, every ryot now in possession or who shall hereafter be admitted by a landholder to possession of ryoti land not being old waste situated in the estate of such landholder shall have a permanent right of occupancy in his holding; but nothing contained in this subsection shall affect any permanent right of occupancy that may have been acquired in land which was old waste before the commencement of this Act.

[1][" *Explanation.*—For the purpose of this sub-section, the expression 'every ryot now in possession' shall include every person who, having held land as a ryot, continues in possession of such land at the commencement of this Act."]

(*2*) Where land held by a ryot with a permanent right of occupancy is surrendered or abandoned or, save in the cases falling within sub-section (*4*) of section 8, and the exception to section 8, comes into the possession of the landholder, and the landholder admits any person to possession of the same within a period of ten years from the date of the surrender, abandonment or coming into possession, the person so admitted shall have a permanent right of occupancy therein.

Explanation.—Every landholder who shall have received or recovered any payment under section 45 from any person occupying ryoti land other than old waste shall be deemed to have thereby admitted such person to possession unless within two years from the date of receipt or recovery of payment or the first of such payments if more than one he shall file a suit before the Collector for ejectment against such person.

(*3*) When a ryot is admitted to the occupation of old waste it shall be lawful for the landholder to let it on such terms as may be agreed on between

---

[1] Added by Madras Act IV of 1909, s. 3, *see* also s. 1 of that Act, *post*.

them; but such admission shall not in itself confer upon the ryot so admitted a permanent right of occupancy in the land so let Provided that this sub section shall not affect any special rights which by law or by custom the ryots may have in the waste land of the estate

(*4*) Admission to waste land under a contract for the pasturage of cattle and admission to land reserved *bonâ fide* by a landholder for forest under a contract for the temporary cultivation thereof with agricultural crops shall not by itself confer upon the person so admitted a permanent right of occupancy [1][or entitle him to the benefit of section 157, nor shall such land, by reason only of such letting and use for pasturage or temporary cultivation, become ryoti land]

(*5*) When a landholder has reclaimed waste land by his own servants or hired labour he may by contract in writing prevent any person from acquiring a permanent right of occupancy in respect of the said land during a period of thirty years from the date of the first cultivation after reclamation

(*6*) A person holding land as an ijaradar or farmer of the rent shall not while so holding, acquire otherwise than by inheritance or devise a right of occupancy in any land comprised in the ijara or farm

Explanation—A person having a right of occupancy in land does not lose it by subsequently becoming interested in the land as landholder or by subsequently holding the land in ijara or farm

Reservation of mining rights

7. Nothing in this Act shall affect any right of a landholder to make a reservation of mining rights on admitting any person to possession of ryoti land

Merger of occupancy right

8. (*1*) Whenever before or after the commencement of this Act the entire interests of the landholder and the occupancy ryot in any land in the holding have become united by transfer, succession or otherwise in the same person, such person shall have no right to hold the land as a ryot, but shall hold it as a landholder, but nothing in this sub section shall prejudicially affect the rights of any third person

(*2*) Whenever before or after the commencement of this Act the occupancy right in any land shall have been transferred to a person jointly interested in the land as landholder, he shall be entitled to hold the land subject to the payment to his co landholders of the shares of the rent which may from time to time be payable to them, and if such transferee lets the land to a third person, such third person shall be deemed to be an occupancy ryot in respect of the land

(*3*) The merger of the occupancy right under sub sections (*1*) and (*2*) shall not have the effect of converting ryoti land into private land

(*4*) In cases where the interest of the ryot in the holding has passed to the landholder by transfer for valuable consideration before the passing of this

[1] Inserted by Madras Act IV of 1909 s 4, *see* also s 1 of that Act *post*

Act otherwise than at a sale for arrears of rent, or has passed by inheritance, the landholder shall have the right for a period of twelve years from the passing of this Act of admitting any person to the possession of such land on such terms as may be agreed upon between them, and the person so admitted shall not be entitled during such period to the benefit of the provisions of section 46.

In cases where such interest passes to the landholder by inheritance after the passing of this Act, the landholder shall have the same right for a period of twelve years from the date of succession.

Exception.—Notwithstanding anything contained in this section where, before or after the commencement of this Act, the kudivaram interest in any land comprised in an estate falling within clause (*d*) of sub-section (2) of section 3 has been or is acquired by the inamdar, such land shall cease to be part of the estate.

Right of landholder to eject a ryot.

9. No landholder shall as such be entitled to eject a ryot from his holding or any part thereof otherwise than in accordance with the provisions of this Act.

Occupancy right heritable and transferable.

10. (*1*) All rights of occupancy shall be heritable, and shall be transferable by sale, gift or otherwise.

(*2*) If a ryot dies intestate in respect of a right of occupancy and without leaving any heirs except the Crown, his right of occupancy shall be extinguished, but the land in respect of which he had such right of occupancy shall not cease to be ryoti land.

Use of land by the ryot.

11. A ryot may use the land in his holding in any manner which does not materially impair the value of the land or render it unfit for agricultural purposes.

Right to use of trees.

12. Subject to any rights which by custom or by contract in writing executed by any ryot before the passing of this Act are reserved to the landholder, every occupancy ryot shall have the right to use, enjoy and cut down all trees now in his holding, and in the case of trees which after the passing of this Act may be planted by the ryot or which may naturally grow upon the holding, he shall have the right to use, enjoy and cut them down, notwithstanding any contract or custom to the contrary.

Right of occupancy ryot to make an improvement.

13. (*1*) Where a ryot has a permanent right of occupancy in his holding neither the ryot nor the landholder shall as such be entitled to prevent the other from making an improvement in respect of the holding except on the ground that he is willing to make it himself.

(*2*) If both the ryot and the landholder wish to make the same improvement, the ryot shall have the prior right to make it, unless it affects the holding of another ryot under the same landholder, in which case the landholder shall have the prior right.

(*3*) Notwithstanding any usage or contract to the contrary, a ryot shall not, by reason of making an improvement at his sole expense, become liable to pay a higher rate of rent on account of any increase of production or of any change in the nature of the crop raised as a consequence of such improvement.

Right of non occupancy ryot to make improvements

14. A non occupancy ryot shall be entitled in due course of husbandry to reclaim, clear, enclose, level, terrace or remove silt from his holding, and to construct, maintain and repair a well for the irrigation of the holding with all works incidental thereto, but shall not be entitled to make any other improvement in respect of his holding without the landholder's permission

Power of Collector to settle questions connected with improvement.

15. If a question arises between a ryot and the landholder,

(*a*) as to the right to make an improvement, or

(*b*) as to whether a particular work is or will be an improvement,

the Collector may, on the application of either party, decide the question

Registration of landholder's improvement

16. (*1*) A landholder may apply to such Revenue-officer as the Local Government may appoint, to register any improvement which he has lawfully made or which has been lawfully made at his expense or which he has assisted a ryot in making

(*2*) The application shall be in such form, shall contain such information, and shall be verified in such manner, by local inquiry or otherwise, as the Local Government may by rule direct

(*3*) The officer receiving the application may reject it if it has not been made within twelve months from the date of the completion of the work

Application to record evidence as to improvement.

17. (*1*) If any landholder or ryot of a holding desires that evidence relating to any improvement made after the passing of this Act in respect of a holding shall be recorded, he may apply to the Collector, who shall thereupon, at a time and place of which notice shall be given to both parties, record the evidence, unless for reasons to be recorded he considers that there are no grounds for the application

(*2*) When any matter has been recorded under this section, the record shall be admissible in evidence in every subsequent proceeding between the landholder and ryot or any persons claiming under them

Saving as to improvements made in ordinary course of cultivation

18. Notwithstanding anything contained in sections 13, 14 and 15, the ryot shall be entitled to make temporary wells, waterchannels, embankments, levellings, enclosures or other works or petty alterations or repairs to such works as are made in the ordinary course of cultivation, and the provisions of section 17 shall not apply to such works or repairs

Relations of ryots and landholders with their tenants

19. Except as otherwise specially provided in this Act the relations between a ryot and his tenants or between a landholder and a tenant of his private land, and the rights of any other owners of land are not regulated by the provisions of this Act

Communal lands not assignable

20. Threshing floors, cattle stands, village sites, and other lands situated in any estate which are set apart for the common use of the villagers shall not be assigned or used for any other purpose without the written order of the District Collector subject to such rules as the Local Government may make in this behalf

Explanation —Any land which has been so set apart by the landholder subsequent to the permanent settlement shall revert to the landholder when, in the opinion of the Collector, it is no longer required for any communal purpose.

Saving as to tank-beds.

Nothing in this section shall apply to the tank-beds in any estate or affect the rights of the landholder over them.

Eviction of persons occupying communal lands contrary to rule.

21. Any person occupying any of the lands mentioned in section 20 for any purpose other than that for which the land is so set apart or contrary to the rules framed by the Local Government may at any time within thirty years from the commencement of such occupation be summarily evicted by the Collector in the manner provided by the [1]Madras Land Encroachment Act, 1905, and any crop, product, construction or thing raised, erected or deposited on or upon the lands shall be applied to such communal purposes as the District Collector may adjudge.

Application of provisions of Madras Land Encroachment Act to orders under sections 20 and 21.

22. The provisions of sections 10 to 14 of the [1]Madras Land Encroachment Act, 1905, shall apply, as far as may be, to orders under sections 20 and 21 of this Act.

Presumption in favour of ryoti land.

23. When in any suit or proceeding it becomes necessary to determine whether any land is old waste or ryoti land other than old waste, it shall be presumed to be ryoti land other than old waste until the contrary is proved.

CHAPTER III.

General Provisions relating to the Rates of Rent payable by Ryots.

Restriction on enhancement.

24. The rent of a ryot shall not be enhanced except as provided by this Act.

Rent payable on admission to possession of ryoti land after commencement of Act.

25. Every ryot admitted by the landholder after the commencement of this Act to possession of ryoti land other than old waste shall be bound to pay rent at a rate not exceeding the rate prevailing for similar lands with similar advantages in the neighbourhood, or, in case such rate cannot be ascertained, at such rate as the Collector may on application decide to be fair and equitable.

Saving as to receipt of premium.

Nothing in this section precludes the landholder from receiving any premium when the ryot is admitted into possession; but a ryot so admitted shall under no circumstances become liable to make any payment to the landholder after his admission by way of premium or other consideration for such admission; nor shall any holding of the ryot be subjected to any charge in respect of any such premium or consideration or part thereof.

Enhancement of rent originally fixed at a lower rate in consideration of bringing waste land

26. (*1*) Where for the purpose of clearing and bringing waste land in the estate into cultivation or for the purpose of making any permanent improvement or for planting trees on the holding or where under a contract made prior to the commencement of this Act for any premium, loan or other valu-

[1] *Printed supra.*

able consideration, a ryot has accepted a puttah from, or has entered into an engagement with, his landholder at a rate of rent lower than the lawful rate previously payable upon the land or than the rate lawfully payable upon land of similar description and with similar advantages in the neighbourhood, such rent shall not be liable to enhancement during the period for which such lower rate is payable by contract or custom so long as the ryot shall substantially fulfil the terms upon which and the purposes for which such lower rate was allowed

into cultivation or of making improvement upon the holding

(2) After the expiry of the period for which such lower rate of rent is payable or if the terms upon which and the purposes for which such lower rate was allowed have not been substantially fulfilled the landholder shall be entitled to the full rate

(3) Except as provided by sub section (*1*) no rate of rent at which land may have been granted by a landholder shall be binding upon the person entitled to the rent after the lifetime of the landholder if such rate is lower than the lawful rate payable by the ryot before the date of the grant upon the land or upon land of similar description and with similar advantages in the neighbourhood

Presumption as to amount of rent and conditions of holding

27 If a question arises as to the amount of rent payable by a ryot or the conditions under which he holds in any revenue year, he shall be presumed, until the contrary is shown, to hold at the same rate and under the same conditions as in the last preceding revenue year

Presumption as to fair rate of rent

28. In all proceedings under this Act the rent or rate of rent for the time being lawfully payable by a ryot shall be presumed to be fair and equitable until the contrary is proved

Waram rates not liable to enhancement

29 Where for any land in his holding an occupancy ryot pays rent according to the "Waram" (that is the established rate of the village for dividing the crop between the landholder and the ryot) with or without an addition in money, or otherwise in kind or on the estimated value of a portion of the crop, or at rates varying with the crop or partly in one of these ways and partly in another or others, such rent shall not be liable to enhancement

Enhancement of rent by suit

30. Where for any land in his holding a ryot pays a money rent the landholder may institute a suit before the Collector to enhance the rent on one or more of the following grounds and no others—

(i) that during the currency of the existing rent there has been a rise in the average local prices of staple food crops in the taluk or zamindari division

(*a*) Provided that if the rent be permanently payable at a fixed rate or rates it shall not be liable to be enhanced under this clause on the ground of a rise in prices

(*b*) Provided also that no enhancement under this clause shall raise the rent by more than two annas in the rupee of the rent previously payable for the land

(ii) that during the currency of the existing rent the productive powers of the land held by the ryot have been increased by an improvement effected by, or at the expense of, the landholder:

(iii) that a work of irrigation or other improvement has been executed at the expense of Government, and the landholder has been lawfully required to pay in respect of the holding an additional revenue or rate to Government in consequence thereof:

(iv) that the productive powers of the land held by the ryot have been increased by fluvial action.

Explanation.—"Fluvial action" includes a change in the course of a river rendering irrigation from the river practicable where it was not previously practicable.

Rules as to enhancement of rent on the ground of a rise in prices.

31. Where an enhancement is claimed under section 30, clause (*i*)—

(*a*) the Collector shall compare the average prices during the ten years immediately preceding the institution of the suit with the average prices during the ten years ending twenty years immediately before the institution of the suit;

(*b*) if in the opinion of the Collector it is not practicable to take the decennial periods mentioned in clause (*a*), the Collector may, in his discretion, substitute any shorter periods therefor;

(*c*) the average prices by which the Collector shall be guided shall be those published under the authority of the Local Government, and the Collector shall presume that the prices shown in the lists prepared for any year subsequent to the passing of this Act are correct and may presume that the prices shown in the lists prepared for any year prior to the passing of this Act are correct unless and until it is proved that they are incorrect;

(*d*) the decennial periods taken for the comparison of average prices shall be periods of ten years excluding all years which the Local Government may notify to be, or to have been, famine years in respect of any local area;

(*e*) the enhanced rent shall bear to the previous rent the same proportion as the average prices during the last decennial period bear to the average prices during the previous ten years taken for purposes of comparison: Provided that, in calculating this proportion, the average prices during the later period shall be reduced by one-half of their excess over the average prices during the earlier period.

Rules as to enhancement of rent on the ground of landholder's improvement.

32. (*1*) Where an enhancement is claimed under section 30, clause (ii)—

(*a*) the Collector shall not grant an enhancement unless the improvement has been registered in accordance with this Act or has been executed within fifteen years preceding the commencement of this Act;

(*b*) in determining the amount of enhancement the Collector shall have regard to—

(i) the increase in the productive powers of the land caused or likely to be caused by the improvement,

(ii) the cost of the improvement,

(iii) the cost of the preparation and cultivation required for utilising the improvement, and

(iv) the existing rent and the ability of the land to bear a higher rent

(*2*) An enhancement decreed under this section shall, on the application of the ryot or his successor in interest, be subject to revision by the Collector in the event of the improvement not producing or ceasing to produce the estimated effect

Rules as to enhancement of rent on the ground of improvement by Government

33. Where an enhancement is claimed under section 30, clause (iii), the rent may be enhanced by the sum or proportionate part of the sum which the landholder has lawfully to pay to Government on account of the improvement made by them

Rules as to enhancement of rent on the ground of fluvial action

34. Where an enhancement is claimed under section 30, clause (iv)—

(*a*) the Collector shall not take into account any increase which is merely temporary or casual,

(*b*) the Collector may enhance the rent to such an amount as he may deem fair and equitable, but not so as to give the landholder more than one half of the value of the net increase in the produce of the land

Enhancement of rent to be fair and equitable

35. Notwithstanding anything contained in sections 31 to 34, the Collector shall not in any case decree any enhancement which is under the circumstances of the case unfair or inequitable, or which would operate so as to raise the rent beyond the value of the established waram of the village in which the holding is situated, commuted in accordance with the provisions of section 40

Power to order enhancement to be gradual.

36. If the Collector passing a decree for enhancement under clauses (i), (ii) and (iv) of section 30 considers that the immediate enforcement of the decree to its full extent will be attended with hardship to the ryot, he may direct that the enhancement shall be gradual, that is to say, that the rent shall increase yearly by degrees for any number of years, not exceeding five, until the limit of the enhancement decreed has been reached

Limitation of right to bring successive suits for enhancement of rent

37. (*1*) A suit for enhancement on the ground of a rise in prices shall not be entertained, if within the twenty years next preceding its institution, the rent has whether before or after the passing of this Act been commuted or enhanced or a suit for enhancement has been dismissed on the merits

(*2*) Nothing in this section shall affect the provisions of section 373 of
82 the [1]Code of Civil Procedure

[1] *See* now the Code of Civil Procedure, 1908 (Act V of 1908), General Acts Vol VI

Reduction of Rent.

Reduction of rent by suit.

38. (*1*) Where for any land in his holding an occupancy ryot pays a money rent, he may institute a suit before the Collector for the reduction of his rent on one or more of the following grounds and on no others :—

(*a*) that the soil of the holding has, without the fault of the ryot, become permanently deteriorated by a deposit of sand or by other specific cause, sudden or gradual ; or

(*b*) that, in the case of irrigated land, there has been a permanent failure of supply from the irrigation work on which it is dependent ; or

(*c*) that during the currency of the existing rent there has been a fall not due to a temporary cause in the average local prices of staple food-crops in the taluk or zamindari division.

(*2*) In any suit instituted under this section, the Collector may direct such reduction of the rent as he thinks fair and equitable and, in settling the amount of reduction under clause (*c*) of sub-section (*1*), shall have regard to the considerations specified in clauses (*a*), (*b*), (*c*) and (*d*) of section 31.

Limitation of right to bring successive suits for reduction of rent.

39. When in a suit instituted under section 38, sub-section (*1*) (*c*), a decree has been passed reducing the rent or dismissing the suit on its merits, no fresh suit shall be entertained under the same sub-section if instituted within twenty years from the date of such decree, provided that nothing in this section shall affect the provisions of section 373 of the Code of Civil Procedure.[1] XI

Commutation of Rent.

Commutation by suit of rent payable in kind.

40. (*1*) Where for any land in his holding an occupancy ryot pays rent in kind or on the estimated value of a portion of the crop, or at rates varying with the crop, or partly in one of these ways and partly in another, or partly in one or more of these ways and partly in cash, either the ryot or the landholder may sue before the Collector to have such rent commuted to a definite money rent.

(*2*) In such suit the Collector shall decide whether commutation shall be allowed, and if he allows commutation shall pass a decree declaring the sum to be paid as money rent in lieu of rent in kind or otherwise and the time from which the commutation is to take effect.

(*3*) In making the determination the Collector shall have due regard to each of the following considerations :—

(*a*) the average value of the rent actually accrued due to the landholder during the preceding ten years other than the years which the Local Government may notify to be or to have been famine years in respect of any local area or, if the value for such period cannot be ascertained, during any shorter period for which evidence may be available excluding famine years ;

---

[1] *See* now the Code of Civil Procedure, 1908 (Act V of 1908), General Acts, Vol. VI.

(*b*) the money rent payable by occupancy ryots for land of a similar description and with similar advantages in the same village or neighbouring villages, and

(*c*) improvements effected by the landholder or the ryot in respect of the holding, and the rules laid down in section 32

Prohibition against enhancement or reduction of rent for twenty years after commutation.

41. (*1*) Where the rent of a holding has been commuted under section 40, it shall not, except on the grounds specified in clauses (ii) and (iii) of section 30 or on the ground of a subsequent alteration of the area of the holding be enhanced for twenty years, nor shall it be reduced for twenty years save on the ground of alteration in the area of the holding or on the ground specified in clauses (*a*) and (*b*) of sub section (*1*) of section 38

(*2*) The said period of twenty years shall be counted from the date on which the commutation takes effect

Alteration of Rent with Area

Alteration of rent in respect of alteration in area

42. (*1*) Every ryot shall—

(*a*) be liable to pay additional rent for all land proved to be in excess of the area for which rent has been previously paid by him, unless it is proved that the excess is due to the addition to the holding of land which having previously belonged to the holding was lost by diluvion or otherwise without any reduction of the rent being made, and

(*b*) be entitled to a reduction of rent in respect of any deficiency proved to exist in the area of his holding as compared with the area for which rent has been previously paid by him unless it is proved that the deficiency is due to the loss of land which was added to the area of the holding by alluvion or otherwise, and that an addition has not been made to the rent in respect of the addition to such area

(*2*) Provided that, in cases of dispute, no alteration of the amount of rent under this section shall be allowed except under the order of the Collector upon application made to him for that purpose by the landholder or the ryot concerned

Landholder's right to measure land.

43. Every landholder may, by himself or by any person authorized by him in this behalf, at any time enter on and measure any land comprised in his estate, for the purposes of the last preceding section

Rules for determination of alteration of rent with area

44. (*1*) Upon an application under sub section (*2*) of section 42 and upon notice to the opposite party, the Collector shall, after causing such measurements to be made as he thinks fit and after hearing such evidence as the parties may adduce, determine the area for which rent has previously been paid and the amount, if any, to be added to or deducted from the rent

(2) In determining the area for which rent has been previously paid, the Collector shall have regard to each of the following considerations :—

(a) the origin and conditions of the occupancy—for instance, whether the rent was a consolidated rent for the entire holding;

(b) any reason which may have led the landholder to permit the ryot to hold the additional land whether in consideration of an addition to his total rent or otherwise;

(c) any reason which may have led the ryot to consent to hold a reduced area without a corresponding reduction in his rent;

Explanation.—In determining whether the landholder has permitted the ryot to hold the additional land, or whether the ryot has consented to hold the reduced area without a corresponding reduction in rent, the Collector may take into consideration the length of time during which the occupancy has lasted without dispute as to rent or area;

and

(d) the length of the measure used or in local use at the time of the origin of the occupancy as compared with that used or in local use at the time of the application.

(3) In determining the amount to be added to the rent, the Collector shall have regard to the rates payable by ryots for lands of a similar description and with similar advantages in the village or neighbouring villages, and shall not in any case fix any rent which in the circumstances of the case is unfair or inequitable.

(4) When the landholder or ryot is unable to indicate any particular land as held in excess, the rent to be added on account of the excess area may be calculated at the average rate of rent paid on all the lands of the holding exclusive of such excess area.

(5) In case of abatement the deduction from the rent shall be proportionate to the diminution in the total yearly produce of the holding or, in default of satisfactory proof thereof, the deduction shall be proportionate to the diminution in the area of the holding.

(6) An addition to or abatement of rent under this section shall not be deemed an enhancement or reduction of rent within the meaning of this Act.

Rates payable for occupation of ryoti land without landholder's consent.

45. *A person who, without the consent of the landholder, occupies* for agricultural purposes ryoti land which he has not acquired by inheritance or legal transfer shall be liable to pay for each revenue-year or portion thereof the rent fixed for that land or, if no rent has been fixed such sum as the Collector may on application determine to be fair and equitable, together with such sum not exceeding the rent fixed or determined as the Collector may award as damages for such unauthorized occupation and the landholder shall have against him all the remedies provided by this Act for the recovery of the rent due thereon.

Non occupancy Ryots

46. (*1*) Except in the cases falling under sub sections (*4*) and (*5*) of section 6, and sub-section (*4*) of section 8, the landholder, notwithstanding any contract to the contrary or the existence of any lease, shall, on the application of a non occupancy ryot and on the tender by him of a sum equal to two and a half times the annual rent payable in respect of the land together with the cost of preparing any instrument required for the purpose, confer upon the ryot a permanent right of occupancy in respect of such land

Procedure for conferring permanent right of occupancy

Provided that the ryot may for the purposes of any such application and tender and the landholder may, upon any such application and tender being made to him, apply to the Collector to fix the rent of the land for the purpose of this section, and if it is proved to the satisfaction of the Collector that the rate of rent payable in respect of such land is [1][excessive and calculated to prevent the acquisition of the occupancy right or is] less than the rate usually paid by occupancy ryots for similar land with similar advantages in the neighbourhood, the Collector may, notwithstanding anything contained in section 26, fix [2][in the former case a fair and equitable rent and in the latter case the rent usually paid for similar lands with similar advantages in the neighbourhood,] and the rent so fixed shall for the purpose of this section be deemed to be and to have been at the date of the application and tender the rent payable by the ryot

(*2*) If a landholder to whom an application and tender have been made by a ryot fails for a period of one month to confer a permanent right of occupancy, the ryot may deposit the sum aforesaid in the Collector's office and apply to the Collector to confer on him a permanent right of occupancy in respect of that land

(*3*) The Collector shall thereupon give notice of the application to the landholder and after hearing him, if he appears, and making such inquiry as he thinks necessary, may execute any instrument required for conferring a permanent right of occupancy upon the tenant in respect of the land, and the execution shall have the same effect as an execution by the landholder

(*4*) When the occupancy right has been conferred as aforesaid, the rate at which rent is payable by the ryot for the purpose of acquiring the occupancy right as aforesaid shall be deemed to be the rate lawfully payable by him within the meaning of section 28, and shall not for a period of twenty years be liable to enhancement or reduction on the ground of a rise or fall in prices

(*5*) The sums payable under this section for the acquisition of the occupancy right shall be paid to the landholder who is the owner of the estate or part thereof, and any application or proceeding under this section shall be made only to or against such landholder

[1] Substituted for the words "greater or" by Madras Act IV of 1909, s 5, *see* also s 1 of that Act, *post*

[2] Substituted for the words "the rent at the latter rate" by *ibid*

Service of notice of enhancement of rent upon ryot of old waste.

47. When a landholder wishes to enhance the rent payable in respect of any old waste by a ryot whose rent is not fixed by any agreement in writing or who is tenant from year to year or holds over after the expiry of the term of his lease and the ryot does not agree to the enhancement, the landholder may cause to be served on him, through the Collector, a notice of the proposed enhancement not less than six months nor more than twelve months before the commencement of the revenue-year in which the landholder desires the enhancement to take effect.

Procedure when ryot declares willingness to pay enhanced rent.

48. (*1*) If, within the period of one month from the service of a notice under the last foregoing section, the ryot on whom the notice has been served presents to the Collector issuing the notice a statement in writing declaring his willingness to pay the enhanced rent, he shall be deemed to have agreed to pay that rent from the commencement of the revenue-year next following.

Procedure when ryot fails to make such declaration.

(*2*) If the ryot does not, within the said period of one month, present to the Collector a statement as aforesaid, the landholder may, not less than ten weeks before the commencement of the revenue-year next following, apply to the Collector to eject the ryot.

Procedure when ryot declares or fails to declare willingness to pay enhanced rent after application for ejectment.

49. (*1*) If, when the application is made under sub-section (*2*) of the last foregoing section, the ryot appears and agrees to pay the enhanced rent demanded, his agreement shall thereupon be recorded and he shall not be ejected but shall be liable to pay that rent from the commencement of the revenue-year next following the date of the landholder's application under the said sub-section.

(*2*) If the ryot fails to appear, or if on appearing he does not agree to pay the enhanced rent demanded, the Collector shall determine what enhancement, if any, is fair and equitable for the land: Provided that, in determining whether any and what enhancement shall be allowed, the Collector shall be guided by the provisions of sections 30 to 37 of this Act.

(*3*) If the ryot agrees to pay the rent so determined, he shall be entitled to remain in occupation of the land at that rent from the commencement of the revenue-year next following the date of the landholder's application under section 48, sub-section (*2*).

(*4*) If the ryot does not agree to pay the rent so determined under sub-section (*2*), the Collector may make an order for his ejectment subject to the provisions of sections 155 and 156 and subject to the deposit by the landholder, within a month from the date of the order, of the amount of compensation (if any) determined as due to the ryot under section 154. If such amount is not so deposited, the order for ejectment shall become void.

CHAPTER IV.

PUTTAHS AND MUCHALKAS.

Ryots to whom the Chapter applies.

50. (*1*) The provisions of this Chapter shall apply to all ryots with a permanent right of occupancy and also so far as may be to ryots holding old waste under a landholder otherwise than under a lease in writing.

(2) Every ryot shall be entitled to call upon his landholder to grant him a puttah for any current revenue-year, and every landholder shall be entitled to call upon his ryot to give him a muchalka for any current revenue-year in exchange for a puttah

Right of ryot and landholder to obtain puttah and muchalka.

51. (*1*) The puttah shall contain the names of the parties, the local description and extent of the land, the rate or amount and nature of the rent payable thereon, according as it may be payable in money, in kind or by a share of the produce, any local tax, cess or fee or charge payable with the rent according to law or usage having the force of law, the period or periods at which such rent, local tax, cess, fee or charge is to be paid, the date of the puttah and all special terms by which it is intended that the parties shall be bound and shall be signed by the landholder The muchalka may, at the option of the landholder, be a counterpart of the puttah or a simple engagement to hold according to its terms and shall be signed by the ryot

Contents of puttah and muckalka.

(2) Any stipulation in restraint of cultivation or of harvesting by a ryot or for the giving up of possession of his land by an occupancy ryot at any specified time shall be void and of no effect

52. (*1*) Puttahs and muchalkas may be exchanged for periods of one or more revenue-years, but no landholder shall be bound to tender, and no ryot to accept, a puttah for a period of more than one revenue-year

Period for which puttahs and muchalkas may be exchanged

(2) Subject to the provisions of sub section (*3*), the tender of a puttah or muchalka and the demand for a muchalka or puttah shall be made within twelve months of the commencement of the period to which the puttah or muchalka relates

(*3*) Puttahs and muchalkas accepted, exchanged or decreed for any revenue year shall remain in force until the commencement of the revenue-year for which fresh puttahs and muchalkas are accepted, exchanged, or decreed, provided that where a puttah or muchalka has continued in force for more revenue years than one, no fresh puttah or muchalka for the same holding shall take effect until the commencement of the revenue year next succeeding that in which it is tendered, accepted, exchanged or decreed

53. (*1*) No landholder shall have power to proceed against a ryot for the recovery of rent by distraint and sale of his moveable property or by sale of his holding under Chapter VI unless he shall have exchanged a puttah and muchalka with such ryot or tendered him such a puttah as he was bound to accept or unless a valid puttah or muchalka continues in force

Landholder's right of distraint and sale of holding conditional on tender of puttah

(*2*) A puttah tendered by a landholder which in the opinion of the Collector is partially but not entirely correct, shall nevertheless be enforceable to the extent to which it is found to be correct

54. (*1*) The tender of a puttah may be made to the ryot in the manner provided for the service of notice under sub section (*2*) of section 78, or if the Collector on the application of the landholder shall so permit in respect of any estate or any portion of an estate, by filing it in the office of the Collector or such other officer as the Local Government may by general or special

Puttah how to be tendered

order direct; and, if so filed, the Collector or such officer shall cause the puttah to be served on the ryot in the aforesaid manner at the cost of the landholder.

(2) The application shall be signed and verified as a plaint; and shall be accompanied by such payment on account of costs of service as the Local Government may by rule prescribe.

Suit to obtain puttah.

55. When a landholder, for three months after demand, fails to grant a puttah in such terms as the ryot is entitled to receive, it shall be lawful for the ryot to sue for such a puttah before the Collector.

Suit to enforce acceptance of puttah.

56. When a ryot for one month after tender fails to accept the puttah tendered to him and to give a muchalka in exchange, the landholder may sue before the Collector to enforce acceptance of such puttah.

Procedure in adjudication of suit to enforce grant or acceptance of puttah.

57. In adjudicating suits under sections 55 and 56, the Collector shall first inquire whether the party sued is bound to grant or accept a puttah, and, unless this be proved, the suit shall be dismissed. If the plaintiff establishes that the party sued is bound to grant or accept a puttah, the Collector shall inquire whether the puttah demanded or tendered is a proper one. If it is found to be so, the Collector shall pass a decree directing the defendant to grant the puttah in exchange for a muchalka or accept the puttah and give a muchalka in exchange. If the Collector is of opinion that the puttah demanded or tendered is not a proper one, he shall decide what the terms of the puttah should be, and shall embody such terms in his decree which shall be of the same force and effect as if a puttah and muchalka had been exchanged.

Puttahs and muchalkas to be signed and registered by the Karnam.

58. The Karnam of the village in which the holding is situated shall regularly sign and register puttahs and muchalkas in respect of the holding.

CHAPTER V.

Payment and Arrears of Rent.

Payment of rent in instalments.

59. Rent shall be payable in instalments according to agreement or in the absence of agreement according to established usage.

Arrear of rent

60. An instalment of rent not paid on the day on which it falls due, becomes on the following day an arrear of rent.

Interest on arrears.

61. An arrear shall bear simple interest at the rate of one-half per centum per mensem from the date on which the arrear fell due until it is liquidated.

Right of ryot to receipt for rent.

62. (1) Every ryot who makes a payment on account of rent to a landholder shall be entitled to obtain forthwith a written receipt for the amount paid by him signed by the landholder or by the landholder's authorized agent.

(2) The landholder or his agent shall prepare and retain a counterfoil of the receipt.

63. (*1*) The receipt shall specify such of the following particulars as can be specified by the landholder at the time of payment, namely — Contents of valid receipt

(*a*) the names of the payer and payee,
(*b*) the name of the village in which the holding is situated,
(*c*) the amount paid,
(*d*) a description of the holding on account of which the rent has been paid,
(*e*) the year and instalment to which the payment has been credited,
(*f*) whether the payment has been accepted as a payment in full, or only on account, and
(*g*) the date on which the rent is paid

Provided that the Local Government may prescribe from time to time a modified form either generally or for any particular local area or class of cases

(2) If a receipt does not contain substantially the particulars required by this section, it may be presumed to be an acquittance in full of all arrears of rent up to the date on which the receipt was given

64. (*1*) When a ryot makes a payment on account of rent, he may declare the year and the instalment to which he wishes the payment to be credited and the payment shall be credited accordingly Credit of payments on account of instalments

(2) If he does not make any such declaration the payment may at the option of the landholder be credited on account of any arrear not barred by limitation

65. If a landholder, without reasonable cause, refuses to deliver to a ryot a receipt in accordance with the provisions of sections 62 and 63 for any rent paid by him, or to credit the rent paid to the year and instalment to which the ryot has requested the payment to be credited, the ryot shall be entitled to recover from him by a suit before the Collector compensation not exceeding double the amount or value of the rent paid Compensation for withholding receipt

66. The payment shall, except in cases where a ryot is allowed under this Act to deposit his rent be made at the landholder's village office, or at such other convenient place within five miles of the village in which the holding is situated as may be appointed in that behalf by the landholder Place of payment

Provided that the ryots may pay their rent to the landholder by postal money orders under rules which the Local Government may prescribe

Provided also that when rent is payable in kind it shall be delivered at the landholder's granary in the village in which the holding is situated or at such other granary within ten miles of the village as may be provided in that behalf by the landholder

67. Where rent is due to a landholder, the receipt for any payment on that account of the person recognised or nominated under sub section (*5*) of section 3 as landholder for the purpose of receiving rent shall be a sufficient discharge for the rent, and the person liable for the rent shall not be entitled to plead in defence to a claim by a person so recognised or nominated that the rent is due to a third person But nothing in this sec- Effect of receipt of person nised or nominated landholder f rent

tion shall affect any remedy which any such third person may have against the landholder so recognised or nominated.

Deposit of Rent.

Application to deposit rent.

68. (*1*) In any of the following cases in which rent is due and is payable in money, namely:—

(*a*) when a ryot tenders money on account of rent due from him, and the landholder refuses to receive it or refuses to grant a receipt for it; or

(*b*) when the rent is payable to two or more persons jointly, and the ryot is unable to obtain the joint receipt of the said persons for the money, and no person has been empowered to receive the rent on their behalf; or

(*c*) when two or more persons severally claim the right to collect the rent or when the ryot entertains a *boná fide* doubt as to who is entitled to receive the rent which has become due;

the ryot may present to the Collector, or such other officer as the Local Government may appoint, an application in writing for permission to deposit in the office of the said Collector or other officer the full amount of rent then due.

(*2*) The application shall contain a statement of the grounds on which it is made; and shall state the item or items to which the payment is to be credited, and also—

in case (*a*), the name of the person to whose credit the deposit is to be entered;

in case (*b*), the names of the persons to whom the rent is due, or of so many of them as the ryot may be able to specify; and

in case (*c*), the name of the person or persons to whom the rent was last paid and of the person or persons now claiming it.

(*3*) The application shall be signed and verified as a plaint; and shall be accompanied by such payment on account of costs as the Local Government may by rule prescribe.

Receipt for deposit in revenue-office to be valid acquittance.

69. (*1*) If it appears to the Collector, or other officer to whom an application is made under the last foregoing section, that the applicant is entitled under that section to deposit the rent, he shall receive the amount and shall give a receipt for it.

(*2*) A receipt given under this section shall operate as an acquittance for the amount of the rent deposited as aforesaid, in the same manner and to the same extent as if that amount of rent had been received—

in case (*a*) of the last foregoing section, by the person specified in the application as the person to whose credit the deposit was to be entered;

in case (*b*) of that section, by the persons to whom the rent is due; and

in case (*c*) of that section, by the person entitled to receive the rent.

70. (*1*) The Collector or other officer receiving the deposit shall forthwith cause to be affixed in a conspicuous place at his office and in the vernacular language of the district, a notification of the receipt of such deposit containing a statement of all material particulars

Notification of receipt of deposit

(*2*) If the amount of the deposit is not paid away under the next following section, within the period of fifteen days next following the date on which the notification is so affixed, the Collector or other officer shall forthwith—

in case (*a*) of section 68, cause a notice of the receipt of the deposit to be served on the person specified in the application as the person to whose credit the deposit was to be entered,

in case (*b*) of that section, cause a notice of the receipt of the deposit to be posted at the landholder s village office or residence and in some conspicuous place in the village in which the holding is situated, and

in case (*c*) of that section, cause a like notice to be served on every person who the Collector or other officer has reason to believe, claims or is entitled to the deposit

71. (*1*) The Collector or other officer may pay the amount of the deposit to any person appearing to him to be entitled to the same or may, if he thinks fit, and shall, if deposit has been made under clause (*c*) of sub-section (*1*) of section 68, and there has been no joint application for payment by the disputing parties, retain the amount pending the decision of the Civil Court as to the person so entitled

Payment or refund of deposit

(*2*) The payment less the money order commission may be made by postal money-order under such rules as the Local Government may prescribe

(*3*) If no payment is made under this section before the expiration of three years from the date on which a deposit is made, the amount deposited may, in the absence of any order of a competent Court to the contrary, be repaid to the depositor upon his application and on his returning the receipt given by the Collector or other officer with whom the rent was deposited or on his producing such other evidence of his having made the deposit as the Collector may consider sufficient

Nothing in this section shall prevent any person entitled to receive the amount of any such deposit from recovering the same by suit in a Civil Court from a person to whom it has been paid under this section

72. No suit or other proceeding shall be instituted against the Secretary of State for India in Council or against any officer of the Government, in respect of anything done by a Collector or other officer regarding a deposit under sections 68 to 71

Barring of suits

Appraisement and Division of Produce

73. (*1*) Where rent is taken by appraisement of the standing crop, the ryot shall be entitled to the exclusive possession of the crop

Rights and liabilities

to possession of crop.

(*2*) Where rent is taken by division of the produce, the ryot shall be entitled to the exclusive possession of the whole produce until it is divided, but shall not be entitled to remove any portion of the produce from the threshing floor at such a time or in such a manner as to prevent the due division thereof at the proper time.

(*3*) In either case, the ryot shall be entitled to cut and harvest the produce in due course of husbandry without any interference on the part of the landholder. But before commencing to cut or gather the crop, the ryot shall give reasonable intimation to the landholder or his authorized agent of his intention to do so.

(*4*) *If the ryot cuts or removes any portion of the crop or of the produce* at such a time or in such a manner as to prevent the due appraisement or division thereof, the produce may be deemed to have been as full as the fullest crop of the same description in the neighbourhood on similar land for that harvest.

Application to Collector for appraisement, division or determination of produce.

74. Where rent is taken by appraisement of the crop or division of the produce—

(*a*) if either the landholder or the ryot fails to attend, either personally or by agent, at the proper time for making the appraisement or the division; or

(*b*) if there is a dispute as to the quantity and value of the crop or as to what is a full crop under sub-section (*4*) of section 73, or as to the division of the produce,

an application may be presented by either party to the Collector requesting that an officer be deputed to make the division or appraisement or determination.

With the application the applicant shall deposit such fee as may be prescribed by the Local Government in rules made in this behalf.

Procedure on such application.

75. (*1*) On receiving such application, the Collector shall issue a notice in writing to the opposite party to attend on the date and at the time and place specified in the notice, and shall depute an officer by whom such division, or appraisement or determination shall be made.

(*2*) If the opposite party objects that the rent is not taken by division, or appraisement, or that no rent is payable, the officer deputed shall record the objection, but shall proceed as hereinafter provided.

(*3*) If, on or before the date appointed, the dispute has not been adjusted, he shall call on each of the parties to appoint within a time specified a resident of the neighbourhood as an assessor to assist in the division of the produce, or appraisement or determination of the crop.

(*4*) If either party fails to attend or to appoint an assessor, the officer deputed shall nominate an assessor on his behalf.

(*5*) The officer deputed shall record, and in making his award shall have regard to, the opinions of the assessors but shall not be bound thereby.

(6) In the case of a division of the produce, if the parties agree to the award, the division shall be made accordingly If the parties do not agree to such division, and in all cases in which the rent is payable by appraisement of the standing crop, or where the value of a full crop has to be determined, the officer deputed shall make an estimate of the produce or crop and determine the rent payable He shall then deliver his award after notice to the parties and submit it with a report of his proceedings to the Collector

(7) Except where the assessors agree with the Revenue Officer in which case the award shall be final, the parties shall be at liberty to file objections to the award within one week after the day on which the award was delivered, and the Collector shall hear such objections, and pass orders thereon, after such further inquiry (if any) as may appear to be necessary

If an objection is filed that the rent is not payable by division, or appraisement, or that no rent is payable and the Collector upholds the objection, he shall set aside the award

If any other objection is filed or if no objection is filed, the Collector may confirm the award or may, after giving an opportunity to the parties to be heard, modify the award as he thinks fit, and shall pass an order for the payment of the rent and costs (if any), and such order shall be final and have the effect of a decree for arrears of rent

(8) In any proceedings under this section the Collector may by order prohibit the removal of the produce until appraisement or division has been effected

76. For the purpose of making the division and appraisement, the officer deputed, with his assessors, may enter upon any land on which or into any building in which the produce is — Power of entry

CHAPTER VI

Recovery of Rent by Suit or by Distraint and Sale of Moveable Property or of the Holding

77. At any time after an arrear of rent has become due— — Recovery of arrears by suit or distraint

(i) the landholder may institute a suit before the Collector for the recovery of the arrear, and

(ii) the landholder may, in addition to any other remedy to which he is entitled by this Act, in respect of any arrear of rent which has accrued due within the next preceding twelve months, distrain upon his own responsibility the moveable property of the defaulting ryot or the growing crops, or the produce of the land or trees in the defaulter's holding

Provided that the following articles shall not be distrained for arrears—

(a) the necessary wearing apparel, cooking vessels, beds and bedding of the defaulter, his wife and children, and such personal orna-

ments as in accordance with religious usage cannot be parted with by a woman;

(*b*) his ploughs and implements of husbandry, ploughing cattle and manure stocked by the ryot or cultivator and such seed-grain as may be necessary for the due cultivation of the holding in the ensuing year.

Distraint how to be effected.

78. (*1*) Before or at the time when a distraint is made the distrainer, who may be either the landholder or his duly authorized agent, shall serve on the defaulter a written demand specifying the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

(*2*) The demand and account shall be dated and signed by the distrainer, and shall within one year from the date on which the arrear became due be served upon the defaulter by delivering a copy to him or to some adult male member of his family at his usual place of abode, provided that it is in the neighbourhood of the land to which the distress refers, or to his authorized agent, or, when such service cannot be effected, by affixing a copy of the notice on some conspicuous part of the land to which it refers. The demand shall set forth—

(*a*) the amount of the arrear due, with interest, if any;

(*b*) the holding in respect of which it is due;

(*c*) the period in respect of which it is due.

Distraint to be proportionate to arrear, and list of property to be served on owner, and copy sent to sale officer.

79. (*1*) Unless the demand is immediately satisfied; the distrainer may distrain property to the amount of the arrear and the costs of the distress, and shall forthwith prepare a list or description of the said property, date and sign the same, and without delay serve it on the defaulter in the manner provided in the preceding section for the service of a written demand, and a copy of such list or description, together with a copy of the written demand and account, shall be sent by the distrainer within ten days of the service of the demand on the defaulter to the public officer hereinafter called the sale officer empowered under [1] Madras Act VII of 1839 to sell property distrained for arrears.

(*2*) If the distrainer has notice that the cultivator is some person other than the defaulter, a copy of the demand and of the list or description of the property shall in like manner be served on or delivered to the cultivator.

[illegible]iner [illegible]y procure police assistance.

80. A person authorized to distrain may apply to the nearest police-station for such assistance as may be necessary to prevent any breach of the peace, and the authority to whom such application is made shall depute one or more police-officers to be present at the time of such distress for such purpose.

Distress to be proportionate to arrears.

81. The distress shall not be excessive; that is to say, the value of the property distrained shall be, as nearly as possible, equal to the amount of the arrears due and costs of distress.

---

[1] The reference probably is to Act VII of 1839 of the Governor General's Council, printed *supra*.

82. Distress shall be made after sunrise and before sunset and not otherwise

Time of distress

83. (*1*) Standing crops and other ungathered produce may, notwithstanding the distraint, be tended, and after notice to the distrainer be reaped and gathered by the owner of the crop

Right to reap and preserve produce

(*2*) If the owner of the crop neglects to tend, reap or gather the said crop or produce, the distrainer may do so at the expense of the owner

(*3*) The distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose, the person so appointed shall store the same in some convenient place in the neighbourhood at the expense of the owner

84. It shall be lawful for the distrainer to force open any stable, cow-house, granary, godown, out house or other building, and he may also enter any dwelling-house, the outer door of which may be open and may break open the door of any room in such dwelling house for the purpose of distraining property belonging to a defaulter and kept therein, provided always that it shall not be lawful for such distrainer to break open or enter any apartment in such dwelling-house appropriated for the zenana or residence of women, except as hereinafter provided

What places distrainer may force open

85. When a distrainer may have reason to suppose that the property of a defaulter is lodged within a dwelling house, the outer door of which may be shut, or within any apartments appropriated to women, which, by the usage of the country, are considered private, such distrainer shall report the fact to the officer in charge of the nearest police-station Thereupon the officer in charge of the station shall send a police-officer to the spot, in the presence of whom the distrainer may break open the outer door of such dwelling house and also the door of any room within the house except the zenana The distrainer may also, in the presence of the police-officer, after due notice given for the removal of women within the zenana, and after furnishing means for their removal in a suitable manner (if they be women of rank, who, according to the customs of the country, cannot appear in public), enter the zenana apartments for the purpose of distraining the defaulter's property, if any, kept therein If any such property be found, it shall immediately be removed from such apartments in order that they may be left free for the return of the former occupants

Power to force open doors, and to enter zenana in presence of a police officer

86. The distrainer shall not work the bullocks or cattle or make use of the property distrained He shall provide necessary food for cattle or other live stock, and the cost thereof shall be a charge against the defaulting ryot and shall be recoverable as a cost of the distress

Distrained cattle or goods not to be used

87. (*1*) After a distress has been made under this Chapter and at any time before the date appointed for sale, the defaulter, the cultivator or the owner of the property may tender or pay the amount specified in the written demand under section 78 with subsequent interest and costs to the distrainer, or may furnish security to the satisfaction of the distrainer, whereupon the

Withdrawal of distress on deposit, payment or furnishing of security.

distrainer shall give a written acknowledgment of the tender, payment or security, and shall withdraw the distress forthwith.

(*2*) If at any time before the sale of the distrained property, the defaulter or cultivator or owner of the property distrained pays, to the sale officer, the amount specified in the written demand under section 78 with subsequent interest and costs, the sale officer shall grant a receipt for the same and shall withdraw the distress forthwith.

Liability of distrainer for loss of, or injury to, distrained property.

88. When property distrained may be stolen, lost, damaged or destroyed while in the keeping of the distrainer, by reason of his not having taken reasonable precautions for its preservation, the owner may sue the distrainer for damages before the Collector.

Claim of third person to right or interest in distrained property.

89. A third person claiming a right or interest in any of the moveable property under distraint may before the date of sale make an application to the Collector or sale officer, and the Collector shall thereupon hold or cause to be held an immediate inquiry, and if he sees sufficient cause for doing so, may postpone the sale of such property. The Collector shall pass such order upon the claim as he shall deem fit.

Delivery of property fraudulently conveyed to prevent distress or forcibly or clandestinely removed after distraint.

90. When after an application made by the distrainer it is proved to the satisfaction of the Collector that,

(*a*) a defaulter has made a fraudulent conveyance of moveable property to prevent distress for arrears,

(*b*) any person has forcibly or clandestinely taken away moveable property once distrained,

the Collector shall pass an order directing that the property be restored or that its value be paid to the distrainer.

Suit for compensation

91. Any person aggrieved by an order under section 89 or section 90 directing any property to be delivered up or restored or its value to be paid to the distrainer, may institute a suit before the Civil Court against the distrainer for compensation.

Application for sale.

92. (*1*) The distrainer shall within fifteen days from the date of the distraint apply to the sale officer for the sale of the property specified in the list or description mentioned in section 79.

(*2*) If no such application is made, the distraint on the property shall cease to be in force at the expiration of the said period of fifteen days.

Contents of application.

93. The application shall be in writing and shall specify the following particulars, namely :—

(*a*) the name and residence of the defaulter and in the case provided for in sub-section (*2*) of section 79, of the cultivator also ;

(*b*) the amount due ;

(*c*) the date of the distraint ; and

(*d*) the place in which the distrained property is.

Fee for service of notice.

94. Together with the application, the distrainer shall deliver to the sale officer the fee prescribed for the service of notice.

95. (*1*) Immediately on receipt of such application and fee the sale officer shall send a copy of the application and of the list or description mentioned in section 79 to the Collector and shall serve a notice on the defaulter, requiring him either to pay the amount demanded, or to institute a suit before the Collector to contest the distraint within fifteen days from the date of the service of the notice Procedure on receipt of application

(*2*) In the case provided for in sub section (*2*) of section 79 similar notice shall be served on the cultivator

(*3*) The sale officer shall by order fix a date for the sale which shall not be less than fifteen days from the date of service of the notice under sub-section (*1*) or sub section (*2*), as the case may be, and shall cause it to be proclaimed by beat of drum in the village where the distrained property is, he shall also post a copy of his order in some conspicuous place in the village

In fixing the date of sale, not less than seven days shall be allowed from the date of the aforesaid proclamation

(*4*) The notice and proclamation shall specify—

(*a*) the property to be sold,

(*b*) the amount mentioned in the application under section 93, and

(*c*) the time and place at which the sale is to be held

96. If the defaulting ryot or cultivator aforesaid does not, within fifteen days from the date of the service of the notice referred to in section 95, file a suit before the Collector to set aside the distress, or if such a suit is filed and is decided against him by the Collector, and if the sale has not been countermanded or postponed under section 89, section 103, or section 104, the sale officer, unless the said demand, with such expenses of the distraint as are allowed by him, is discharged in full, shall proceed in the manner hereinafter described to sell the property or such part of it as may be necessary to satisfy the demand with the expenses of the distraint and the cost of the sale When sale *may take* place

97. The sale shall ordinarily be held in the village where the property was distrained or is stored or at the nearest place of public resort if the sale officer is of opinion that the property is likely to sell to better advantage there In any case, the distrainer shall be bound to produce the property at the time and place of sale, and the cost of the transport thereof shall be considered part of the cost of distress Place of sale

98. Notwithstanding anything contained in this Chapter, crops or products which are in their nature speedily perishable shall be sold as early as possible by the distrainer, and the sale proceeds shall be deposited with the sale officer Sale of perishable *articles*

99. (*1*) Crops or products which from their nature admit of being stored shall not be sold before they are reaped or gathered and are ready for storing When crops may be sold

(*2*) Crops or products which from their nature do not admit of being stored may be sold before they are reaped or gathered, and the purchaser shall be entitled to enter on the land by himself or by any person appointed by him

in this behalf and do all that is necessary for the purpose of tending and reaping or gathering them.

Manner of sale.

100. The property shall be sold by public auction, in one or more lots as the sale officer may think advisable, and if the demand with the costs of distress and sale is satisfied by the sale of a portion of the property the distress shall be immediately withdrawn with respect to the remainder.

Postponement of sale.

101. If, on the property being put up for sale, a fair price in the estimation of the sale officer is not offered for it, and

(*a*) if the defaulter, cultivator or owner of the property, or a person authorized to act in his behalf, or the distrainer applies to have the sale postponed until the next day, or

(*b*) if a market is held at or near the place of sale,

the sale shall be postponed until the next day or until the next market day, as the case may be, and shall then be completed, whatever price may be offered for the property.

Payment of purchase-money.

102. The price of every lot shall be paid at the time of sale, or as soon thereafter as the officer holding the sale directs, and in default of such payment the property shall be put up again and sold, and any deficiency in price which may happen on such second sale and all expenses attending such second sale shall be certified to the Collector by the sale officer and shall, at the instance either of the distrainer, the defaulter, or the cultivator, without prejudice to any other remedy which he may have, be recoverable in a suit before the Collector from the defaulting purchaser.

Any sum recovered under this section from the defaulting purchaser shall be dealt with under section 106 as if it were proceeds of the sale.

Obligation to report irregularity in distraining.

103. The sale officer shall bring to the notice of the Collector any material irregularity committed by the distrainer under colour of this Act, and may in such case postpone the sale pending the Collector's order.

Effect of irregularity in distraining.

104. (*1*) If it shall come to the knowledge of the Collector that the distrainer has not served on the ryot a written demand as required by section 78, or has failed to serve the list or description, mentioned in section 79, or has failed to apply to the sale officer for an order under section 92, or that the distress was excessive, the Collector may either order the sale to proceed, or direct the issue of another notice or proclamation of sale, in which case he shall order that the costs of the resale shall be borne by the distrainer.

(*2*) If the Collector finds that the distraint is vexatious or groundless, he may order the restoration of the distrained property.

Certificate to be given to purchaser.

105. When the purchase-money has been paid in full, the sale officer shall deliver the property to the purchaser and shall give him a certificate signed by himself, describing the property purchased and the price paid.

Disposal of proceeds of sale.

106. (*1*) From the proceeds of every sale of distrained property under this Act, the sale officer shall make a deduction at a rate not exceeding one anna in the rupee on account of the costs of the sale, and shall remit the amount so deducted to the Tahsildar.

(2) He shall then pay to the distrainer the expenses incurred by the distrainer on account of the distraint, and of the issue of the notice and proclamation of sale mentioned in section 95 to such amount as, after examining the statement of expenses furnished by the distrainer, he thinks proper to allow

(3) The remainder shall be applied to the discharge of the arrear for which the distraint was made

(4) The surplus (if any) shall be delivered to the person whose property has been sold, and he shall receive from the sale officer a receipt for any arrears discharged from the proceeds of sale

(5) If either the distrainer, or the owner of the distrained property, shall be dissatisfied with the sale officer's decision, the Collector shall, on an application being made to him by either party, determine the expenses incurred in distraining the property and bringing it to sale

Prohibition against bidding for or purchase of property by sale officer or subordinate

107. No officer holding a sale of property under this Act and no person employed by or subordinate to such officer, shall either directly or indirectly bid for, acquire or attempt to acquire any interest in any property sold at such sale

Right of tenant or cultivator to deduct from rent amount paid for his landlord.

108. (1) When an arrear of rent is realised from a tenant or cultivator by proceedings in distraint by any person other than his immediate landlord, the tenant or cultivator shall be entitled to deduct the amount so realised from any rent payable by him to such landlord, and such landlord, if he is not the defaulter, shall in like manner be entitled to deduct the same amount from any rent payable by him to his landlord, and so on until the defaulter is reached

(2) Nothing in this section shall affect the right of any tenant or cultivator making a payment under section 87 to institute a suit in a Civil Court for the recovery from the defaulter of any portion of the amount paid which he has not deducted under this section

Conflict between distress by landholder and attachment by Court

109. When any conflict arises between the right of a landholder distraining produce over which he has a first charge under sub section (1) of section 5 and the right of a person claiming under an attachment by a Civil Court, the right of the landholder shall prevail, but if the property is sold by a Collector in consequence of such landholder's distress the surplus proceeds of the sale shall not be paid under section 106 to the person whose property has been sold but shall be deposited in the Court from which the order of attachment issued

Tender of amount under protest to be deemed valid

110. A tender of the amount of the arrears of rent claimed by the landholder shall be deemed valid though made under protest, and on such tender being made the distrainer shall be bound to refrain from distraining or selling the property, and if a distraint has been made to release the property distrained provided that when the amount so tendered is received, the fact that the payment was made under protest shall be stated in the receipt given to the person making the payment

Grant of certificate to purchaser.

(2) On payment of the purchase-money in full and on the expiration of thirty days from the date of sale, the Collector shall, if no application has been made to set aside the sale under section 131, or if such application has been made and rejected, grant a certificate of sale to the purchaser stating the property sold, the name of the purchaser, the date of the sale and the sum paid and shall place him in possession of the property sold.

Encumbrances.

125. When a holding or part of a holding is sold for arrears due in respect thereof, the purchaser shall take, subject to any right or interest which the ryot has created therein with the landholder's permission in writing registered and subject also to any encumbrances created before the passing of this Act.

Extent of holding to be brought to sale.

126. The portion of the holding brought to sale by the landholder shall be, as nearly as possible, equal in value to the amount of arrears due and costs.

Rules for disposal of sale-proceeds.

127. In disposing of the proceeds of a sale of a holding under this Chapter, the following rules shall be observed, that is to say :—

(*a*) there shall first be paid to the landholder the costs incurred by him in bringing the holding to sale ;

(*b*) there shall, in the next place, be paid to the landholder the amount due to him for arrears and interest up to date of payment ;

(*c*) if there remains a balance after these sums have been paid, there shall be paid to the landholder therefrom any rent which may have fallen due to him in respect of the holding between the date of application or suit and the date of the sale and the defaulter shall receive from the selling officer a receipt for the amount so paid ; if the defaulter disputes the landholder's right to receive any sum under this clause, the Collector shall register the dispute as a suit and shall proceed to determine it :

Provided that no payment shall be made to the landholder under clauses (*a*), (*b*) and (*c*) of this section until after the expiration of thirty days from the date of sale.

(*d*) the balance (if any) remaining after the payment of the amount mentioned in clause (*c*) shall, subject to the order of any Civil Court to the contrary, be paid to the defaulter on his application, after the expiration of three months from the date of the sale.

Right of person having an interest in the holding on payment of amount due.

128. *(1) When a proclamation* has been made for the sale of a holding or part of a holding and any person having an interest therein which would be affected by the sale, pays to the Collector or the selling officer the amount requisite under section 122 to prevent the sale,—

(*a*) the amount so paid by him shall be deemed to be a debt bearing interest at six per centum per annum and charged upon the holding ; and

(*b*) such charge shall take priority of every other charge on the holding other than a charge for arrear of rent and any prior charge under this section.

(2) Nothing in this section shall affect any other remedy to which any such person would be entitled

Right of tenant or sub tenant to deduct from rent amount paid for ryot.

129. Where a proclamation has been made for the sale of a holding or part of a holding of a defaulting ryot, and any tenant or sub-tenant thereof, whose interest would be affected by the sale, pays to the Collector or to the selling officer the amount requisite under section 122 to prevent the sale, he may, in addition to any other remedy provided for him by law, deduct the whole or any portion of the amount so paid from any rent payable by him to his immediate landlord, and that landlord may in like manner deduct the amount so deducted from any rent payable by him to his immediate landlord and so on, until the defaulter is reached

Landholder may bid at sale.

130. A landholder who has brought to sale a ryot s holding or part thereof for an arrear may bid for or purchase the holding or a part thereof

Application by defaulting ryot to set aside sale

131. (1) When a ryot's holding or part thereof is sold for an arrear due thereon, the defaulting ryot, or any person having a right or interest therein affected by the sale, may, at any time within thirty days from the date of sale, apply to the Collector to have the sale set aside on his depositing with that officer,

> for payment to the landholder, the amount specified in the proclamation of sale as that for the recovery of which the sale was ordered, together with subsequent costs, if any, incurred by the landholder in bringing the holding to sale, less any amount which may, since the date of the proclamation of sale, have been received by the landholder, and
>
> for payment to the purchaser, a sum equal to five per centum of the purchase money

(2) If such deposit is made within the thirty days, the Collector shall pass an order setting aside the sale, and the provisions of section 315 of the [1]Code
1882 of Civil Procedure shall apply in the case of a sale so set aside

Application of this Chapter to execution decrees for rears of

132. The provisions of this Chapter shall be applicable, as far as may be, to the execution by a Revenue Court of any decree for arrears of rent

cuting may grant to pay

133. The Collector, (a) in executing a decree for arrears in a suit under this Act, or (b) on the application of the defaulter whose holding is to be sold under the provisions of this Chapter, may, before issuing an order for the sale of the holding or part thereof and on the defaulter's giving security for the amount of the debt with costs and interest to the satisfaction of the Collector, allow the defaulter time in which to pay the amount due, provided that any period or the aggregate of any periods so allowed shall not exceed two months unless the Local Government by general or special order allow a longer period

---

[1] *See* now the Code of Civil Procedure, 1908 (Act V of 1908) General Acts, Vol VI.

Extension of application of provisions of this Chapter.

134. The provisions contained in this Chapter for the recovery of rent from a ryot by distraint and sale of moveable property shall apply, as far as may be, to—

(1) the recovery of rent by a landholder from a tenant of private land in the estate, provided puttahs and muchalkas have been exchanged between them; and

(2) the recovery of rent by a landowner under ryotwari settlement with the Government or in any way subject to the payment of land-revenue direct to Government or any other registered holder of land in proprietary right from a tenant from whom he has taken a written agreement specifying the rent to be paid.

CHAPTER VII.

Repair of Irrigation Works.

Application to District Collector for repair of irrigation works.

135. Any ryot or ryots holding irrigated land under a landholder and paying not less than one-fourth of the rent of the ayakat under an irrigation work or holding not less than one-fourth of the extent of the ayakat may apply to the District Collector stating that the irrigation work whereby the land held by the applicant or applicants is served is out of repair and that the landholder upon his or their application has refused or neglected to execute necessary repairs, and that he or they are unable in consequence to raise an irrigated crop, and praying for the issue of an order under section 137 for the repair of the said work. The application shall state in sufficient detail the nature of the repairs deemed necessary, and the extent of the land irrigated by the work and the rent derivable from it. The District Collector shall then by himself or by an officer subordinate to him, not below the rank of a Deputy Tahsildar, to whom he may depute the inquiry, cause to be served on the landholder a copy of the application and a notice to show cause, on a date to be stated in the notice, why the order prayed for should not issue. The notice shall also be posted in the village or villages wherein the land irrigated is situated.

Inquiry on application.

136. On the day fixed in the notice, or on any other date to which the inquiry may be adjourned, the District Collector or officer as aforesaid shall hear the applicant or applicants, the landholder and any ryots of land irrigated by the work who may attend, and may take any evidence that he may think fit. If the inquiry is made by an officer other than the District Collector, he shall make a report thereon to the District Collector.

Order on inquiry.

137. If the District Collector is satisfied that the rent payable to the landholder in respect of the land irrigated by the work is higher than it would be if the land were not so irrigated, and that the irrigation work is in such a state of disrepair as materially to prejudice the irrigation of the lands dependent upon it and that the state of disrepair is not due to the wrongful acts of the ryots or to omission to make such minor repair as the ryots are bound

to carry out under the provisions of [1]Madras Act I of 1858, he may pass an order stating which of the works mentioned in the application or shown at the inquiry are necessary for the restoration of the irrigation work to efficiency, and the estimated cost of the same, and requiring the landholder to execute the said works within a specified time The District Collector may also in the order declare that, if the landholder refuses or within the time specified or such further time as the District Collector may allow fails to execute the works, the applicant alone or with any other ryots willing to join with him, may be authorized on application made to the Collector, to execute any or all of the said works within a reasonable time to be fixed by the Collector Provided that such works shall be works of repair only and shall not include additions or improvements unless with the consent of the landholder, nor shall they include any petty works, such as the yearly clearance of supply and distribution channels, which by the custom of the country should be carried out by the ryots

The District Collector shall not pass an order under this section if the landholder establishes that the obligation to maintain the irrigation work is imposed upon an inamdar holding a dasabandam inam granted prior to the permanent settlement and confirmed but not enfranchised by the British Government or has been otherwise transferred from such landholder, or unless he is satisfied that it is to the advantage of both the landholder and the ryots that the work should be repaired

Procedure where the work serves partly an estate and partly Government land

138. *(1)* If the irrigation work serves partly an estate and partly Government land, the repair as aforesaid shall invariably be executed by the [2][District Collector] and after notice to the landholder giving him an opportunity to examine the stated cost of the repair and urge his objection thereto, if any, the charges incurred shall be divided between the Government and the landholder in proportion to the extent of land belonging to Government which is registered as entitled to irrigation from the work and the extent of land belonging to the landholder for which he is entitled free of separate charge to irrigation from the work The portion due by the landholder shall be recoverable as an arrear of land revenue

Saving as to works belonging to Government

[3]*(2)* Nothing in [3][sub section *(1)*] shall apply to irrigation works belonging to the Government, which the Government are bound to maintain, and from which the landholder is entitled to a supply of water free of charge

[4][*(3)* A landholder who is dissatisfied with an order of the District Collector under this section may sue in a Civil Court to have it set aside or modified on either of the following grounds —

(*a*) that he is under no obligation to repair the irrigation work concerned,

---

[1] The reference probably is to Act I of 1858 of the Governor General's Council, printed *supra*

[2] Substituted for ' Collector by Madras Act IV of 1909 s 6 *see* also s 1 of that Act, *post*

[3] This paragraph was numbered as sub section (?) and the words and figure ' sub section *(1)* were substituted for the words ' this section by *ibid*

[4] Inserted by Madras Act IV of 1909, s 6 *see* also s 1 of that Act

(*b*) that the portion of the charge which he is liable to pay under sub-section (*1*) has been wrongly calculated.

If the order is set aside or modified, the Court shall direct the refund of any amount found to have been improperly levied.]

Recovery of cost of repair from ryots.

139. If the Collector has ordered under section 137 that the ryots may execute any work, the parties authorized to execute it may, after such work has been completed, apply to the District Collector for an order for the recovery of the cost. The District Collector shall then give the landholder an opportunity of stating objections to the application, and shall take such steps as he may deem necessary to satisfy himself that the works have been executed properly and within the time fixed, and that the cost claimed is not excessive. He shall, if so satisfied, pass an order specifying such amount as he may find to be reasonably due on account of the work executed, and in such order may include the cost of estimates and inspection. He shall then, in the first instance, call upon the landholder to pay the amount specified in the order; if the landholder declines to pay the amount, the District Collector shall then pass an order for the recovery of the amount from the ryots holding land under the irrigation works. The order shall set out the amount payable by each ryot in proportion to the rent of the land so held by him. Any amount payable by the ryots or agreed to be paid by the landholder under this section, together with interest at six per centum per annum from the date of the order, shall be recoverable as an arrear of land-revenue.

Payment to persons executing repairs.

140. The amount recovered, less the cost, if any, of inspection of the works executed shall be paid to the parties authorized to execute the same under section 137.

[illegible] to [illegible] cost [illegible]pairs by [illegible]ction [illegible] rent.

141. Every ryot from whom any sum has been recovered under the provisions of section 139 in respect of any irrigation work shall be entitled to deduct from the rent payable by him to the landholder a sum equal to the difference between the irrigated and unirrigated rate for the land held by him under the said work. Where the unirrigated rate is not known, the Collector shall on application made determine the same with reference to the rates for dry lands of similar description and with similar advantages in the village or neighbouring villages. Where the ryot holds both irrigated and unirrigated land in his holding under a consolidated rent and the irrigated rate is not known, the Collector shall on application made determine the same:

Provided that such deductions shall cease and determine as soon as the amount which has been recovered under section 139 has been recouped with interest at six per centum per annum.

Right of appeal.

142. No Civil Court shall [1][issue an injunction or, save as provided in section 138, entertain a suit] regarding a District Collector's proceedings

---

[1] Substituted for "entertain a suit or issue an injunction" by Madras Act IV of 1909, s. 7, *see* also s. 1 of that Act, *infra*.

under this Chapter, but from any order issued by a District Collector [1][under this Chapter other than an order under section 138] an appeal shall [1][unless otherwise provided for in Part B of the Schedule to this Act] lie to the Board of Revenue, whose decision shall be final

---

CHAPTER VIII

ILLEGAL CESSES

143. Landholders shall not exact from their ryots under any name or under any pretence anything in addition to the rent lawfully payable All stipulations and reservations for such additional payment shall be void

Prohibition against levy of anything in addition to rent.

144. Every ryot from whom, except under any special enactment for the time being in force, any sum of money or any portion of the produce of the land has been exacted by the landholder in excess of the rent lawfully payable shall be entitled to recover by a suit before the Collector, in addition to the amount or value of what has been so exacted, such sum by way of penalty as the Collector thinks fit, not exceeding one hundred rupees or, when double such amount or value exceeds one hundred rupees not exceeding double that amount or value

Penalty for illegal exactions

CHAPTER IX

SUB-DIVISION AND TRANSFER OF HOLDINGS AND ESTATES

145. (*1*) Where a ryot transfers a portion of his holding or where a holding is divided amongst co sharers, it shall not be competent to the landholder to object to the sub division of the holding, provided that the distribution of the rent between the divisions shall be made by the landholder or with his consent

Division of holding amongst co sharers or on transfer of a portion

Provided also that no landholder shall be bound to recognise the sub-division of a revenue-field or part thereof, unless each sub division is not less than five acres in extent, if the field be classed as unirrigated, and one acre in extent, if the field be classed as irrigated or garden

(2) In case such distribution be unfair or delayed for an unreasonable time, the Collector shall on application by the ryot make a fair apportionment which shall be binding on the persons interested

146. (*1*) Whenever a holding or any portion thereof is transferred by the act of a ryot, or in execution of a decree or order of a Civil Court passed against him, or by a sale for arrears of Government revenue or for any demand recoverable as such arrears, such transfer shall, subject to the provisions of section 145, be recognised by the landholder if notice in writing be communi-

Transfer of holding by act of ryot or in execution of a Civil Court decree to be

---

[1] Inserted by Madras Act IV of 1909 s. 7, *see also* s 1 of that Act *post*

(*b*) that the portion of the charge which he is liable to pay und section (*1*) has been wrongly calculated.

If the order is set aside or modified, the Court shall direct th any amount found to have been improperly levied.]

Recovery of cost of repair from ryots.

139. If the Collector has ordered under section 137 that executo any work, the parties authorized to execute it may, has been completed, apply to the District Collector for an orde of the cost. The District Collector shall then give the lan tunity of stating objections to the application, and sh as he may deem necessary to satisfy himself that the cuted properly and within the time fixed, and that excessive. He shall, if so satisfied, pass an order s he may find to be reasonably due on account of such order may include the cost of estimates and in the first instance, call upon the landholder the order ; if the landholder declines to pay th shall then pass an order for the recovery of ing land under the irrigation works. T payable by each ryot in proportion to Any amount payable by the ryots o under this section, together with in the date of the order, shall be rec

Payment to persons executing repairs.

140. The amount recovered works executed shall be paid under section 137.

ight to over cost repairs by eduction from rent.

141. Every ryot from visions of section 139 in deduct from the rent difference between th under the said work shall on applica for dry lands of or neighbourin land in his [1] known, th

Prov amoun inter

Right of appeal.

1

section

[1] Substituted for
see also s. 1 of that Act,

provided that the apportionment of the rent on the part retained shall be made by the landholder subject to revision by the Collector on application by the ryot The portion retained shall be treated as a new holding and a fresh puttah and muchalka shall be exchanged in respect of the same for the revenue-year next succeeding that in which notice of relinquishment is given

(2) A ryot who so relinquishes his holding or part of his holding shall be liable at the suit of the landholder before the Collector to indemnify him against any loss of rent on the holding or the part thereof for the revenue-year next following the date of the relinquishment, unless the ryot gives to the landholder on or before the first day of April notice of his intention to relinquish

150. (*1*) If the landholder refuses to receive any notice under sub section (2) of section 149, the ryot may, not later than the fifteenth day of April, make an application to a Revenue-officer who shall thereupon cause the notice to be served on such landholder, the ryot paying the costs of service — Application to Revenue-officer for service of notice

(2) Every such notice shall be deemed to have been received at the time it was first tendered

151. (*1*) A landholder may institute a suit before the Collector to eject an occupancy ryot from his holding only on the ground that the ryot has materially impaired the value of the holding for agricultural purposes and rendered it substantially unfit for such purposes — Suit for ejectment

(2) Notwithstanding anything contained in this section a landholder may sue before the Collector for compensation in addition to or in lieu of, ejectment or for an injunction, or for the repair of the damage or waste with or without compensation

152. If in any suit under the preceding section an occupancy ryot is found liable to ejectment, but it appears that the damage to the holding admits of being repaired, or that pecuniary compensation would afford adequate relief, the decree shall provide that, if within one month from the date thereof or such further time as the Collector for reasons to be recorded may allow, the ryot does not repair the damage or pay as compensation a sum which shall be fixed by the Collector and specified in the decree, he shall be ejected — Decree where damage is repairable or pecuniary compensation would be adequate relief

153. A non occupancy ryot shall, subject to the provisions of this Act, be liable to ejectment by suit before the Collector on one or more of the following grounds, and not otherwise, namely — — Grounds on which non occupancy ryot may be ejected

(*a*) on the ground that he has used the land in a manner which renders it unfit for the purposes of the tenancy ,

(*b*) on the ground that a decree for arrears of rent in respect of the holding passed against him or any person whose legal representative he is remains unsatisfied at the expiry of the revenue-year following the one in which the decree was passed ,

(*c*) on the ground that he has refused to agree to pay a fair and equitable rent determined under section 49 ,

there is no sufficient distress upon the premises. Such statement shall be filed in the office from which the warrant issues.

Contents of warrant.

159. The warrant shall state the defaulter's name, the whole amount due and the description and extent of the premises, and shall set forth that, unless payment is made within fifteen days, the defaulter will be turned out of possession. The Collector may, for special reasons, extend the period of fifteen days mentioned in this section.

Execution of warrant.

160. The warrant shall be entrusted to an officer of police, who shall serve it after the manner laid down in sub-section (*2*) of section 78. If within fifteen days after service, or within the period extended by the Collector under the last foregoing section, the amount named in the warrant is not discharged, and if no suit has been filed by the defaulter before the Collector to set aside the warrant, or if such suit has been decided against the defaulter, the police-officer shall place the landholder in possession.

Determination of tenancy.

161. Where possession has been delivered under the last preceding section, the defaulter may file a suit in a Civil Court within three months from the date of delivery for an order to set aside the proceedings and to restore him to possession, and subject to the result of such suit if any, the defaulter's right and interest in the premises shall cease and determine.

Saving clause.

162. Nothing in sections 158 and 161 shall apply to any land in which the tenant has a saleable interest.

Ejectment of trespasser.

163. (*1*) Any person who otherwise than by inheritance or legal transfer occupies ryoti land in an estate and has not been admitted as a ryot by the landholder shall be liable to ejectment as a trespasser by suit in a Civil Court.

(*2*) In any suit for ejectment under this section, the landholder shall also be entitled to recover any sum payable to him under section 45.

CHAPTER XI.

SURVEY, RECORD-OF-RIGHTS, AND SETTLEMENT OF RENTS.

ower of al Government order rvey and record-of-rights.

164. (*1*) The Local Government may make an order directing that a survey be made and a record-of-rights be prepared by a Revenue-officer in respect of an estate or portion of an estate in the following cases, namely :—

(*a*) where—

(i) the landholder or ryots, or

(ii) not less than one-half of the total number of landholders, or

(iii) a landholder or a proportion of the landholders whose interest, or the aggregate of whose interests, respectively, in the estate or portion thereof is not less in value than one-half of the total shares of all the landholders therein, or

(iv) not less than one-fourth of the total number of ryots—

applies or apply for such an order, depositing or giving security for such amount for the payment of expenses as the Local Government direct;

(*b*) where in the opinion of the Local Government the preparation of such a record is required to secure either the ryots generally or the landholder of an estate or portion of an estate in the enjoyment as such of their or his legal rights or is calculated to settle or avert a serious dispute existing or likely to arise between the ryots generally and their landholder, or

(*c*) where the estate is an estate managed by the Government or is under the superintendence of the Court of Wards

(*2*) A notification in the official Gazette of an order under this section shall be conclusive evidence that the order has been duly made

(*3*) The survey shall be made under the [1]Madras Survey and Boundaries Act, 1897, and the record of rights shall be prepared in accordance with the rules prescribed by the Local Government, and may, if the Local Government so direct, include a record of all rights and obligations of each ryot and landholder in respect of—

(i) the use by the ryots of water for agricultural purposes whether obtained from a tank, well, or any other source of supply,

(ii) the repair and maintenance of works for securing a supply of water for the cultivation of the land held by each ryot whether or not such works be situated within the boundaries of such land

165. When an order is made under the last foregoing section, the particulars to be recorded shall be specified in the order, and shall include, either without or in addition to other particulars, some or all of the following, namely — *Particulars to be recorded.*

(*a*) the name of each ryot's landholder and of each landholder in the estate or portion thereof,

(*b*) the name of the ryot, and whether the ryot is an occupancy or a non-occupancy ryot, or where there is no ryot, the name of the occupant,

(*c*) the situation, extent and one or more of the boundaries of the land held by the ryot, as shown in the survey map of the village,

(*d*) whether the land is irrigated, unirrigated, or garden land and, if irrigated, whether double or single crop,

(*e*) the rent lawfully payable at the time the record is being prepared and whether the ryot is entitled to the benefit of proviso (*a*) to clause (*i*) of section 39,

(*f*) how the rent has been fixed, whether by decree or under the provisions of this Act or otherwise,

(*g*) any rights lawfully incident to the holding,

(*h*) if the rent is a gradually increasing rent, the times at which and steps by which it increases,

(*i*) if the land is claimed to be held free of rent, whether rent is actually paid or not, and when rent is not paid, whether the occupant is

[1] Printed *supra*

entitled to hold the land without such payment and if so entitled, on what authority; and the rent payable, if the land were liable to rent;

(*j*) the record of irrigation rights ordered under sub-section (*3*) of section 164.

Publication of preliminary record and entertainment of objections thereto.

166. (*1*) When the officer preparing the record-of-rights has, after making such enquiry as he sees fit, completed a preliminary record for the estate or part of the estate, he shall publish a draft thereof in the prescribed manner and for the prescribed period, and shall receive and consider any objection to any entry therein or to any omission therefrom, which may be made during the period of publication.

Publication of final record.

(*2*) When such objections have been considered and disposed of according to such rules as the Local Government shall prescribe, the officer aforesaid shall finally frame the record, and shall cause it to be locally published in the prescribed manner, and the publication shall be conclusive evidence that the record has been duly made under this Chapter.

(*3*) Separate draft or final records may be published under this section for different portions of the estate.

Presumption as to final publication and correctness of record-of-rights.

167. (*1*) In any suit or other proceeding in which a record-of-rights prepared and published under this Chapter or a duly certified copy thereof or extract therefrom is produced, such record-of-rights shall be presumed to have been finally published, unless this is expressly denied, and a certificate signed by the Revenue Officer or by the Collector of any district in which the estate or part thereof to which the record-of-rights relates is wholly or partly situate, stating that a record-of-rights has been finally published under this Chapter, shall be conclusive evidence of such publication.

(*2*) The Local Government may, by notification, declare with regard to any estate or portion of an estate that a record-of-rights has been finally published for every village included therein, and such notification shall be conclusive evidence of such publication.

(*3*) Every entry in a record-of-rights so published shall be evidence of the matter referred to in such entry, and shall be presumed to be correct until the contrary is proved.

Settlement of rents.

168. (*1*) If within two months from the date of the final publication of the record-of-rights under sub-section (*2*) of section 166, either the landholder or the ryots apply for a settlement of the rent, provided that in the case of ryots the application is made by holders of not less than one-fourth of the total extent of the holdings in the village, the Revenue Officer shall, if the Local Government so direct, settle a fair and equitable rent in respect of the land.

Explanation.—A landholder may apply for a settlement of rent notwithstanding that his estate or part thereof has been temporarily leased.

(*2*) In settling rents under this section the officer shall presume until the contrary is proved that the existing rent or rate of rent is fair and equitable

and shall have regard to the provisions of this Act for determining the rates of rent payable by a ryot

(3) The Revenue Officer may in any case under this section propose to the parties such rent or rate of rent as he considers fair and equitable, and the rent so proposed, if accepted orally or in writing by the parties, may be recorded as the fair and equitable rent and shall be deemed to have been duly settled under this Act

(4) Where the parties agree among themselves, by compromise or otherwise, as to the amount of the rent, the Revenue Officer shall satisfy himself that the amount agreed upon is fair and equitable, and if so satisfied, but not otherwise, he shall record the amount so agreed upon as the fair and equitable rent If not so satisfied he shall himself settle a fair and equitable rent as provided in sub sections (2) and (3)

Preliminary publication and amendment of settlement record

169. (1) When a settlement has been completed under section 168, the Revenue Officer shall cause a record thereof to be made showing the name of the landholder and the ryot, the extent of the holding and such other particulars as the Local Government may direct and the amount of the rent settled therefor, and shall cause a copy thereof to be published in the prescribed manner and for the prescribed period, and shall receive and consider any objections made to any entry in such record or omission therefrom, during the period of publication, and shall dispose of such objections according to such rules as the Local Government may prescribe

(2) The Revenue Officer may, of his own motion or on the application of any party aggrieved, at any time before the settlement record is submitted to the confirming authority under section 170, revise any rent entered therein

Provided that no such entry shall be revised until reasonable notice has been given to the parties concerned to appear and be heard in the matter

Final revision of settlement record and incorporation of the same in record-of rights.

170. (1) When all objections have been disposed of under section 169, the Revenue Officer shall submit the settlement record to the confirming authority appointed by the Local Government with a full statement of the grounds of his proposals and a summary of the objections (if any) which he has received.

(2) The confirming authority may sanction the settlement with or without amendment, or may return it for revision

Provided that no entry shall be amended, or omission supplied until reasonable notice has been given to the parties concerned to appear and be heard in the matter

(3) After it has been sanctioned by the confirming authority, the settlement record shall be incorporated in the record of-rights published under sub section (2) of section 166, and the record of-rights as so amended shall be finally republished in the prescribed manner, and such publication shall be conclusive evidence that the record has been duly made.

Appeal to, and revision by, superior Revenue-authority.

171. An appeal, if presented within two months from the date of the order appealed against, shall lie from every order passed by a Revenue Officer on any objection made under section 169; and such appeal shall lie to such superior Revenue-authority as the Local Government may by rule prescribe or to an officer specially empowered by the Local Government in this behalf.

Revision by Board of Revenue.

172. The Board of Revenue may, in any case on application or of its own motion, direct the revision of any record-of-rights, or any portion of a record-of-rights, at any time within two years from the date of the final publication under sub-section (*2*) of section 166, or if there has been a settlement of rent under section 168, two years from the date of republication under sub-section (*3*) of section 170, but not so as to affect any order passed by a Civil Court under section 173:

Provided that no such direction shall be made until reasonable opportunity has been given to the parties concerned to appear and be heard in the matter.

Entries in settlement record when open to question by civil suit.

173. (*1*) Any person aggrieved by an entry in a settlement record prepared under sections 168 to 171 and incorporated in a record-of-rights finally published under sub-section (*3*) of section 170 or by an omission to settle a rent, may institute a suit in the Civil Court which would have jurisdiction to entertain a suit for the possession of the land to which the entry relates or in respect of which the omission was made.

(*2*) Such suit must be instituted within six months from the date of the final publication of the record-of-rights under sub-section (*3*) of section 170 or, if an appeal has been presented to a Revenue-authority under section 171, then within six months from the date of the disposal of such appeal.

(*3*) Such suit may be instituted on any of the following grounds, and on no others, namely:—

(*a*) that the relation of landholder and ryot does or does not exist;

(*b*) that the land is not liable to the payment of rent;

(*c*) that the land, although entered in the record-of-rights as being held rent-fee, is liable to the payment of rent;

(*d*) that any entry made under clauses (*d*), (*e*) and (*f*) of section 165 is incorrect;

(*e*) that special conditions in respect of holding at a favourable rate have been wrongly recorded or omitted;

(*f*) that the Revenue-officer has wrongly fixed the date from which the operation of the settled rent under the provisions of section 177 should take effect.

The Secretary of State for India in Council shall not be made a defendant in any such suit.

(*4*) If the Court finds that the entry relating to rent is incorrect it shall, in cases (*a*) and (*b*) mentioned in sub-section (*3*), declare that no rent is payable, or direct that the Collector shall fix a fair and equitable rent, in case (*c*) it shall declare that the land is liable to rent, in cases (*d*) and (*e*) it shall decide

what the entry shall be and in case (*f*) it shall declare the date from which the rent settled is to take effect

(*5*) When a Civil Court has passed final orders or a decree under this section, it shall notify the same to the Collector of the district

174. A note of all decisions on appeal under section 171 and of all orders or decrees of a Civil Court notified to the Collector under sub section (*5*) of section 173 shall be made in the record of-rights with which the settlement record has been incorporated under section 170 and such note shall be considered as part of the record

Entry of note of decisions under sections 171 and 173 in record of rights

175. (*i*) Any Revenue-officer especially empowered by the Local Government in this behalf may, on application or of his own motion, within twelve months from the date of any order or decision under section 168 or section 169, correct any *boná fide* mistake, whether it was made by himself or by any other Revenue officer, not superior in grade to himself, but not so as to affect any order passed or decree made under section 171 or section 173

Correction of mistakes in settlement by Revenue officer

Provided that no such order or decision shall be so corrected if an appeal from it is pending or has been decided under sections 171, 173 or 179, or until reasonable opportunity has been given to the parties concerned to appear and be heard in the matter

(*ii*) Any Revenue officer specially empowered by the Local Government in this behalf may, on application or of his own motion, within twelve months from the date of the certificate of the final publication of the record of rights under sub section (2) of section 166 correct any entry in such record of-rights which he is satisfied has been made owing to a *boná fide* mistake

Correction of mistakes in record of rights

Provided that no such correction shall be made if an appeal affecting such entry is pending or has been decided under sections 171 173 or 179, or until reasonable opportunity has been given to the parties concerned to appear and be heard in the matter

176. Subject to the provisions of section 173, all rents settled under sections 168 to 170 and entered in a record-of rights finally published under section 166, or settled under section 171 shall be deemed to have been correctly settled and to be fair and equitable rent within the meaning of this Act

Presumption as to correctness of rents settled under sections 168 to 171

177. When any rent is settled under this Chapter the settlement shall take effect from the beginning of the revenue-year next after the date of the final order or decision fixing the rent and shall not thereafter be enhanced for a period of twenty years except on the grounds specified in clauses (ii) and (iii) of section 30 or of a subsequent alteration in the area of the holding nor reduced within the said period save on the ground of alteration in the area of the holding or on the ground specified in clauses (*a*) and (*b*) of sub section (*1*) of section 38

Time from which settlement of rent is to take effect and limitation of period of enhancement

178. (*1*) When an application has been made under section 168, no suit or proceeding shall be commenced or continued in any Civil or Revenue Court under sections 30, 38 and 40 until after the final publication of the record of-rights under sub section (*3*) of section 170

Stay of proceedings during preparation of record of rights.

(2) When an order has been made under section 164 directing the preparation of a record-of-rights, no Civil or Revenue Court shall entertain or proceed with any suit or application for the alteration of the rent in the area to which the record-of-rights applies until after the final publication of such record-of-rights.

Limitation of jurisdiction of Civil Courts in matters, other than rent, relating to the record-of-rights.

179. No suit shall be brought in any Civil Court in respect of any order directing the preparation of a record-of-rights under this Chapter, or in respect of the framing, publication, signing or attestation of such a record or of any part of it, or, save as provided in section 173, for the alteration of any entry in such a record of a rent settled under sections 168 to 172 :

Provided that any person who is dissatisfied with any entry in, or omission from, a record-of-rights framed in pursuance of an order made under sub-section (*1*) of section 164, which concerns a right of which he is in possession, may institute a suit for declaration of his right under Chapter VI of the [1]Specific Relief Act, 1877. I of 1877

Apportionment of expenses.

180. (*1*) When the preparation of a record-of-rights under this Chapter has been directed or undertaken, the expenses incurred by the Government in carrying out the provisions of this Chapter in any estate or part thereof, or such portion of those expenses as the Local Government may direct, shall be defrayed by the landholder and ryots in the estate or part thereof and the holders of any land held on favourable terms within such estate if such land is included in the record-of-rights in such proportions as the Local Government, having regard to all the circumstances, may determine; and the proportion of those expenses so to be defrayed by any person shall be deemed to be land-revenue and may be recovered as arrears of land-revenue under the provisions of the [2]Madras Revenue Recovery Act, 1864, or the [2]Madras City Land Revenue (Amendment) Act, 1867, as the case may be. Mad II of 1864 Mad VI of 1867

(*2*) The cost of the preparation of copies of survey maps and record-of-rights prepared under this Chapter for distribution to landholders and ryots shall be deemed to be part of the expenses incurred in carrying out the provisions of this Chapter.

CHAPTER XII.

LANDHOLDERS' PRIVATE LAND.

Saving as to landholder's private land.

181. Nothing in sections 6, 8, 10, 11, 12, 19 and 46 shall confer a right of occupancy in, or shall apply in any way to, a landholder's private land :

Provided that nothing contained in this section shall prevent a landholder from converting his private land into ryoti land.

Power to order survey and record of landholder's private land.

182. The Local Government may make an order directing a Revenue-officer to make a survey and record of all the landholder's private land in a specified local area.

---

[1] General Acts, Vol. II.
[2] Printed *supra*.

No order under this section shall be questioned in any Civil or Revenue Court

183. (*1*) In the case of any land alleged to be a landholder's private land, on the application of the landholder or of any occupant and on his depositing the required amount for expenses, a Revenue-officer may, subject to rules made in this behalf by the Local Government, ascertain and record whether the land is or is not a landholder's private land

Power to record private land on application of land holder or occupant

(*2*) Notwithstanding anything contained in any agreement or compromise, or in any decree which is proved to his satisfaction to have been obtained by collusion or fraud, a Revenue officer shall not record any land as a landholder's private land, unless it is proved to be such by satisfactory evidence of the nature described in section 185

184. When a Revenue officer proceeds under either section 182 or section 183, the provisions of sections 166, 167, 179 and 180 shall, so far as may be, apply

Procedure for recording private land.

185. When in any suit or proceeding it becomes necessary to determine whether any land is the landholder's private land, regard shall be had to local custom and to the question whether the land was before the first day of July, 1898 specifically let as private land and to any other evidence that may be produced, but the land shall be presumed not to be private land until the contrary is shown Provided that all land which is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour with his own or hired stock for twelve years immediately before the commencement of this Act shall be deemed to be the landholder's private land

Rules for determination of landholder's private land.

CHAPTER XIII

Acquisition by Landholder of Land for Building and other Purposes

186. (*1*) A Principal Civil Court of original jurisdiction may, on the application of a landholder,

Acquisition by landholder of land for building and other purposes

and on being satisfied that he is desirous of acquiring the whole or part of a holding in his estate for some reasonable and sufficient purpose, having relation to the good of the holding or of the estate, including the use of the ground as building ground or for any religious, educational or charitable purpose or for the opening and working of mines,

and on being satisfied on the certificate of the Collector that the purpose is reasonable and sufficient, authorise the acquisition thereof by the landholder upon such conditions as the Court may think fit, and require the ryot to sell his interest in the whole or such part of the holding to the landholder, upon such terms as may be approved by the Court, including full compensation to the ryot.

(2) In determining the amount of compensation, the Court shall be guided so far as may be practicable, by the provisions of sections 23 and 24 of the [1]Land Acquisition Act I of 1894, and shall add fifteen *per centum* to the full value of the land and improvements made by the ryot as compensation for the compulsory acquisition :

Provided that, if the land has been acquired for the opening and working of mines, the Court shall, if the ryot has any right in the minerals, award compensation for such right.

CHAPTER XIV.

CONTRACT.

Restrictions on contract.

187. (*1*) Nothing in any contract between a landholder and a ryot made before or after the passing of this Act—

(*a*) shall take away or limit the right of the ryot to make improvements in accordance with the provisions of this Act ;

(*b*) shall take away or limit the right of an occupancy ryot to use the land as provided by section 11 ;

(*c*) shall take away the right of an occupancy ryot to sue or apply for a reduction of rent on the grounds stated in clauses (*a*) and (*b*) of sub-section (*1*) of section 38, or sub-section (*2*) of section 32, or except in the case of any subsisting lease for a fixed period made before the first day of January, 1908, on the ground stated in clause (*c*) of sub-section (*1*) of section 38 ;

(*d*) shall take away the right of an occupancy ryot to apply for an alteration of rent under the provisions of section 42 ;

(*e*) shall take away the right of a landholder or an occupancy ryot to sue for a commutation of rent under section 40 ;

(*f*) shall take away the right of an occupancy ryot to surrender his holding in accordance with section 149 ; or

(*g*) shall entitle a landholder to eject a ryot otherwise than in accordance with the provisions of this Act.

(*2*) Nothing in any contract between a landholder and a ryot made after the passing of this Act shall affect the provisions of section 61 relating to interest payable on arrears of rent so as to increase the amount of interest payable.

Restriction on contract affecting acquisition of occupancy right in old waste.

188. Nothing in any contract between any landholder and a ryot of old waste made before or after the passing of this Act shall take away or limit the right of the ryot to acquire the status of an occupancy ryot in respect of such land.

---

[1] General Acts, Vol. IV.

CHAPTER XV

JURISDICTION AND PROCEDURE

Suits and applications.

189 (*1*) A Collector or other Revenue-officer specially authorized under this Act shall hear and determine as a Revenue Court all suits and applications of the nature specified in Parts A and B of the Schedule and no Civil Court in the exercise of its original jurisdiction shall take cognizance of any dispute or matter in respect of which such suit or application might be brought or made

Appeals

(*2*) Decrees and orders passed under sub section (*1*) shall be subject to appeal as provided in the sixth column of Parts A and B of the Schedule

(*3*) The decision of a Revenue Court or of an appellate or revisional authority in any suit or proceeding under this Act on a matter falling within the exclusive jurisdiction of the Revenue Court shall be binding on the parties thereto and persons claiming under them in any suit or proceeding in a Civil Court in which such matter may be in issue between them

Second appeals

190 (*1*) A second appeal shall lie to the Board of Revenue against the orders passed on appeal by a District Collector in the case of an application under section 15 or a suit under section 40

(*2*) Notice of the hearing of the second appeal shall be given to the parties and they shall be entitled to be heard either in person or by their respective pleaders or duly authorized agents

Limitation for appeals under sections 189 and 190

191. The period of limitation for an appeal under sections 189 and 190 shall run from the date of the order or decree appealed against excluding the time occupied in obtaining a copy of such order or decree and shall be as follows that is to say —

(*a*) when the appeal lies to the District Court or District Collector—thirty days

(*b*) when the appeal lies to the Board of Revenue—sixty days

Application of Code of Civil Procedure.

192. Subject to the other provisions of this Act and subject to the following modifications and additions the provisions of the [1]Code of Civil Procedure shall apply to all suits appeals and other proceedings under this Act so far as they are not inconsistent therewith —

(*a*) Sections 121 to 127 both inclusive 129 305 310 A and 313 sections 320 to 326 (both inclusive) and Chapters XX XXVI XXXIII, XXXIX XL XLIII and XLIV of the [1] Code of Civil Procedure, shall not apply to any such suit appeal or other proceeding ,

and section 25 of the said Code shall apply only to the transfer of appeals under this Act from the Court of one District Judge to the Court of another District Judge

(*b*) Applications under sections 68 71 and 74 may be disposed of without the issue of notice to the other party

---

[1] *See* now the Code of Civil Procedure 1908 (Act V of 1908) General Acts Vol VI.

(*c*) In clauses (*a*) and (*c*) of section 37 of the said Code, for the words "not resident" shall be substituted the words "whether resident or not."

(*d*) (i) The plaint shall specify, in addition to the particulars mentioned in section 50 of the said Code, the name of the village in which the land to which the suit relates is situated, the designation, if any, of the land and a description of the land sufficient for its identification;

(ii) where the suit is for the recovery of rent due on land situated within an area in which a record-of-rights has been prepared and published, the plaint shall further contain a statement of the rent of the holding according to the record-of-rights:

Provided that, if the Court sees fit at any time to require it, a copy of, or extract from, the record-of-rights relating to the holding shall be produced by the plaintiff, or shall, if necessary, on the requisition of the Court, be supplied by the Collector on payment by the plaintiff or the defendant as the Court may direct of such fee as the Local Government may by rule under this Act prescribe;

(iii) if the suit is for arrears of rent the plaint shall contain a statement of account showing the instalments payable for the period to which the suit relates, the amount, if any, received, and the amount claimed to be due.

(*e*) No set-off whether legal or equitable shall be pleaded by way of defence to any suit under this Act.

(*f*) When any rent roll or collection or measurement papers have been produced by a landholder in any Court in a suit pending therein copies of, or extracts from, such documents which have been certified by a duly authorised officer of such Court to be true copies or extracts, may be admitted in evidence in proof of the originals in any other suit instituted in the same or another Court unless the Court in which such copies or extracts are produced sees fit to require the production of the originals.

(*g*) The Court when passing the decree in a suit for the recovery of rent may on the oral application of the decree-holder order immediate execution thereof.

(*h*) To the particulars not liable to attachment or sale under section 266 of the said Code shall be added "manure stocked by an agriculturist."

(*i*) Standing timber, growing crops, or other products of the earth may be attached and sold in execution of a decree in the same manner as moveable property, and if the property attached is growing crops or other products of the earth, the judgment-debtor and decree-holder shall have the same ~~the~~ rights in respect of the

tending, gathering, and storing thereof as the cultivator and the distrainer, respectively, would have had under section 83 if such crops or products had been distrained for an arrear of rent

Joinder of ryots in suit relating to enhancement or reduction of rent

193. (*1*) A suit for enhancement or reduction of rent may be instituted against or by any number of ryots collectively

Provided that all such ryots are ryots of the same land holder, and that all the holdings in respect of which the suit is instituted are situated in the same village and that the grounds of enhancement or reduction are the same

(*2*) No decree shall be passed in any such suit affecting the interests of any person unless the Collector is satisfied that the person has had an oppor tunity of appearing and being heard

(*3*) The decree shall specify the extent to which each of the ryots is affected thereby

Plea that rent is not due to plaintiff but to third person to be enter tained only on payment of money into Court

194. (*1*) In any suit or in any proceeding under this Act to recover rent if a ryot admits that rent is due from him but pleads that it is due not to the plaintiff or applicant but to a third person or pleads that the provisions of this Act have not been complied with, the Collector shall, except for special reasons to be recorded in writing refuse to take cognizance of the plea unless the ryot pays into his Court the amount so admitted to be due

(*2*) Where such a payment is made and the plea is that the rent is not due to the plaintiff or applicant but to a third person, the Collector shall forthwith cause notice of the payment to be served on the third person

(*3*) Unless the third person, within three months from the receipt of the notice, institutes a suit before the Civil Court against the plaintiff or applicant and therein obtains an order restraining payment, the rent shall be paid out to the plaintiff or applicant on his application

(*4*) Nothing in this section shall affect the right of any person to recover by suit in a Civil Court from the plaintiff or applicant any payment made to him under sub section (*3*)

Plea that rent de manded is excessive to be enter tained only on payment into Court of amount admitted to be due

195. In any suit or proceeding under this Act to recover rent if a ryot admits that rent is due from him to the plaintiff or applicant but pleads that the amount claimed is in excess of the amount due, the Collector shall, except for special reasons to be recorded in writing, refuse to take cognizance of the plea unless the ryot pays into his Court the amount so admitted to be due

Power of Collector to fix sum payable into Court under section 194 and section 195

196. When a ryot is liable to make a payment into the Court of the Collector under section 194 or section 195 if the Collector thinks that there are sufficient reasons for so doing, he may take cognizance of the ryot's plea on his paying such reasonable portion of the amount as the Collector directs

Collector to grant receipt

197. When a ryot makes a payment under section 194 or section 195, the Collector shall give the ryot a receipt, and the receipt so given shall

operate as an acquittance in the same manner and to the same extent as if it had been given by the person lawfully entitled to the rent.

Power to order separate trials in case of joinder of ryots.

198. If it appears to the Collector before whom a suit for enhancement or reduction of rent has been instituted against or by a number of ryots collectively that the suit cannot be conveniently tried or disposed of as one suit, such officer may, at any time before the first hearing, of his own motion or on the application of any of the parties, or if the parties agree, at any subsequent stage of the suit, order separate trials of the suits had against or by each ryot or make such other order as may be necessary or expedient for the separate disposal thereof.

Compromise of suit or application.

199. (*1*) The provisions of section 375 of the [1]Code of Civil Procedure shall not apply to any suit or application between landholder and ryot as such. X 18

(*2*) If any suit or application between landholder and ryot as such is adjusted wholly or in part by any lawful agreement or compromise, or if the defendant satisfies the plaintiff in respect to the whole or any part of the matter of the suit or application the Court or the Collector may pass a decree or order in accordance with such agreement, compromise or satisfaction, so far as it relates to the suit or application ;

but may refuse to do so if, for reasons to be recorded, the Court or the Collector, as the case may be, considers such agreement, compromise or satisfaction to be unfair and inequitable.

(*3*) A decree or order passed in accordance with any lawful agreement, compromise or satisfaction shall be final so far as it relates to so much of the subject-matter of the suit or application as is dealt with by such agreement, compromise or satisfaction.

Landholders who may be parties.

200. (*1*) A suit for enhancement, reduction or commutation of rent or an application for alteration of rent with reference to area shall be instituted or made only by or against the landholder in possession of the estate or the part concerned as the case may be :

Provided that—

(i) where it appears that such landholder is not the owner of the estate or the part concerned, notice of the suit or application shall at the expense of the plaintiff or applicant be given by the Court to the owner who shall be made a party to the suit or application ;

(ii) where such landholder is not the owner of the estate or the part concerned and is unwilling to institute a suit for enhancement or commutation of rent or to make an application for alteration of rent, the owner may institute such suit or make such application making the landholder in possession a party thereto ; but any rent which may be fixed by the Court in such suit or application shall be payable only to the landholder entitled to possession of the estate or the part concerned.

---

[1] *See now* the Code of Civil Procedure 1908 (Act V of 1908), General Acts, Vol. VI.

(2) Proceedings under Chapter VII shall be taken against the landholder in possession, but if such landholder is not also the owner, the latter shall be made a party to the proceedings

(3) Either the owner or the landholder, where the landholder entitled to the present possession of the estate is not the owner thereof, may as landholder make an application under sections 164, 168 or 186, but notice of the application shall be given to the other

Transfer of decree or order for payment of money for execution.

201. A decree or order for payment of money passed by a Revenue Court or any appellate or revisional authority may be transferred only to a Civil Court for execution

Power of High Court to make rules

202. The High Court may, with the approval of the Local Government, make rules consistent with this Act, declaring that any portions of the [1]Code of Civil Procedure shall not apply to suits between landholder and ryot as such or to any specified classes of such suits, or shall apply to them subject to modifications specified in the rules

Regard to be paid by Courts to entries in record of rights

203. (*1*) Where for any local area a record-of-rights has been prepared and finally published under sub section (2) of section 166 or sub-section (3) of section 170, in all suits between landholder and ryot as such, the plaintiff shall annex to the plaint or, if for any cause which the Court deems sufficient he fails to do so, shall produce within a reasonable time to be fixed by the Court, a certified copy of any entry in the record of-rights relating to the land in respect of which the suit is brought

(*2*) In deciding such suits the Court shall have regard to the entries produced under sub section (*1*), unless such entries have been proved to be incorrect, and when the Court passes a decree at variance with such entries it shall record its reasons for so doing

(*3*) No fee shall be charged for the grant of certified copies of entries in a record of-rights required for the purpose specified in sub section (*1*)

(*4*) In the case of such suits, the following clause shall be deemed to be added to section 54 of the [1]Code of Civil Procedure as clause (*e*), namely —

(*e*) In any suit to which section 203 of the Madras Estates Land Act, 1908, applies, if the certified copy therein mentioned is not annexed to the plaint, and the plaintiff, on being required by the Court to produce it fails to do so within the time allowed by the Court.

Power of District Collector and Board of Revenue to distribute business, and to withdraw and transfer cases

204. (*1*) The District Collector may, by written order, distribute, in such manner as appears fit, any business cognizable under this Act by any Collector or other Revenue-officer in the district and by like order he may withdraw any case pending before such Collector or other Revenue-officer, and either dispose of it himself, or by written order refer it for disposal to any other Collector or Revenue officer in the district

(*2*) The Board of Revenue shall have the like powers of distribution, withdrawal and reference in respect of all District Collectors and, notwith-

---

[1] *See* now the Code of Civil Procedure, 1908 (Act V of 1908), General Acts, Vol. VI.

standing any order of the District Collector passed under sub-section (1), in respect of Revenue-officers subordinate to him.

Power to call for and revise proceedings of Revenue-officers.

205. The Board of Revenue or the District Collector may call for the record of any proceeding before a Revenue-officer from whose decision no appeal lies, if such officer appears to have exercised a jurisdiction not vested in him by law, or to have failed to exercise a jurisdiction so vested, or while acting in the exercise of his jurisdiction to have contravened some express provision of law affecting the decision on the merits, where such contravention has produced a serious miscarriage of justice; and the Board of Revenue or the District Collector, as the case may be, may, after hearing the parties if they attend, pass such order as seems fit.

Power to invest Revenue or Judicial officer with powers of Collector.

206. The Local Government may invest any Revenue or Judicial officer with all or any of the powers of a Collector for any local area, in respect of all or any classes of original suits or proceedings instituted under this Act, and may withdraw such powers, and the decision passed by such Revenue or Judicial officer shall be subject to appeal as if they were the decisions of the Collector who would have taken cognizance of the suits or proceedings if the Revenue or Judicial officer had not been so invested.

Appointment of additional District Collector.

207. The Local Government may appoint an officer in addition to the District Collector, to exercise all or any of the powers of a District Collector under this Act.

District Collectors and Collectors for scheduled districts.

208. In the scheduled districts of Ganjam and Vizagapatam the Agent to the Governor, and in the scheduled districts of Godávari the Government Agent shall for the purposes of this Act be the District Collector, and the Assistant Agents in these districts shall for the same purposes be Collectors.

Place of institution of suits or proceedings.

209. (*1*) All suits or proceedings brought or taken under this Act shall be brought or taken in the revenue division in which the holding or major portion of the holding in connection with which the suit is brought or the proceedings are taken is situated.

(*2*) Subject to the orders of a District Collector, a Collector or other Revenue-officer may sit for the disposal of suits and proceedings under this Act in any place within the district.

CHAPTER XVI.

LIMITATION.

Limitation for suits, etc.

210. (*1*) Subject to the provisions of the next following section, every suit instituted, appeal presented, and application made after the period of limitation specified therefor in the Schedule hereto annexed or in section 191, shall be dismissed, although limitation has not been set up as a defence.

(*2*) Nothing in this section shall revive the right to institute any suit, present any appeal or to make any application which would have been barred

by limitation if it had been instituted, presented or made immediately before the commencement of this Act

211. (*1*) Sections 7, 8, 9, 19, and 20 of the [1]Indian Limitation Act, 1877, shall not apply to the suits and applications mentioned in the last foregoing section Portions of Indian Limitation Act not applicable to such suits, etc

(*2*) Subject to the provisions of this Chapter, the provisions of the [2]Indian Limitation Act, 1877, shall apply to all suits, appeals and applications mentioned in the last foregoing section

---

CHAPTER XVII

SUPPLEMENTAL

Penalties

212. (*1*) If any person— Penalties for illegal interference with produce, etc.

(*a*) under colour of this Act dishonestly distrains, sells, or causes to be sold, any property, or

(*b*) resists a distraint duly made under this Act, or forcibly or clandestinely removes any produce duly distrained under this Act or makes a fraudulent conveyance of property to prevent distress for arrears, or

(*c*) except with the authority or consent of the ryot unlawfully prevents or attempts to prevent the reaping, gathering, storing, removing or otherwise dealing with any produce of a holding, or

(*d*) having been ejected under section 163 from ryoti land in any estate occupies the same or any portion of the same land without the landholder's consent,

he shall be liable on conviction before a magistrate not below the rank of a magistrate of the second class to a fine which may extend to five hundred rupees

(*2*) Any person who abets the doing of an act mentioned in sub section (*1*) shall be deemed to have abetted an offence within the meaning of the [2]Indian Penal Code

(*3*) Persons entering the apartments of women or forcing open the outer doors of dwelling houses contrary to the provisions of this Act shall be deemed to have committed house-trespass within the meaning of the [2]Indian Penal Code

General Right of Suit

213. (*1*) Any person deeming himself aggrieved, (*a*) by any proceedings taken under colour of this Act, or (*b*) by neglect or breach of any of its provisions General right of suit for damages

---

[1] *See* now the Indian Limitation Act, 1908 (IX of 1908) General Acts, Vol. VI]
[2] General Acts, Vol I

shall be at liberty to seek redress by filing a suit for damages before the Collector.

(2) This section shall not be deemed to bar any right of action in a Civil Court in any case not taken out of its jurisdiction by this Act.

(3) Provided always that any person who files a suit for damages under sub-section (1) shall not be entitled to file a suit in respect of the same cause of action before a Civil Court.

Agents of Landholders.

Power of landholder to act through agent.

214. (1) Any act, appearance, or application before any Collector or officer, which is required or authorized by this Act to be made or done by a landholder, may be made or done also by an agent empowered in this behalf by a written authority under the hand of such landholder.

(2) Every notice required by this Act to be served on or given to a landholder shall, if served on or given to an agent empowered as aforesaid to accept service of or receive the same on behalf of the landholder, be as effectual for the purposes of this Act as if it had been served on or given to the landholder in person.

(3) Every document required by this Act to be signed or certified by a landholder, [1] * * * * * may be signed or certified by an agent of the landholder authorized in writing in that behalf.

Rules under Act.

Power of Local Government to make rules.

215. The Local Government may, after previous publication, make [2] rules consistent with this Act—

(1) to regulate the procedure to be followed by Collectors and Revenue-officers in the discharge of any duty imposed upon them by or under this Act, and may by such [illegible]s confer upon any such officer—

(a) any power exercised by a Civ[illegible] in the trial of suits ;

(b) power to enter upon any land [illegible] [illegible]marcate and make a map of the same, and a[illegible] by any officer under [illegible] Madras Survey [illegible] [illegible]97 [3]; and

(c) pow[illegible] thresh the cr[illegible] measure [illegible] a view [illegible] the [illegible]

(2) prescribin[illegible] where [illegible]

(3) as to the p[illegible]

[illegible] as to the f[illegible] Act [illegible]

Ma[illegible] IV 189[illegible]

1 The words "except [illegible]
[illegible] Madras Act IV of 1909.
2 For rules, see Fort St.[illegible]
3 Printed supra.

(5) for the use of threshing floors, cattle stands village sites and other lands set apart for communal purposes

(6) for determining what are to be deemed staple food crops in any local area and for the guidance of officers preparing price lists

(7) for the sale of distrained crops or products which are in their nature speedily perishable

(8) for the survey of lands and the preparation of a record of rights and of a settlement record of rent

(9) prescribing the superior revenue authority to whom appeals shall lie from orders of a Revenue officer on objections to a preliminary record of settlement of rent

(10) prescribing the form in which registers shall be maintained by a Collector of suits and applications heard and decided by him and

(11) generally for giving effect to the provisions of this Act

SCHEDULE.

PART A.—*Suits triable by a Collector.*

Serial number.	Section of Act.	Description of suit.	Period of limitation.	Time from which period begins to run.	Court, if any, to which an appeal lies.
1	2	3	4	5	6
1	6	Suit to eject a trespassor from whom payment has been taken.	Two years . .	The date of receipt or recovery of payment.	District Court.
2	30	For enhancement of rent payable by a ryot.	None (subject to sections 37, 41, and 177).	None (subject to sections 37, 41 and 177).	District Court.
3	38	For reduction of rent . .	None (subject to sections 39, 41 and 177).	None (subject to sections 39, 41 and 177).	District Court.
4	40	For commutation of rent . .	None	None	(*a*) Against the decree so far as it allows or refuses commutation—District Collector. (*b*) Against the decree fixing the valuation at time of commutation in so far as it determines the sum to be paid as money rent or the time from which such commutation shall take effect—District Court.
5	55	To obtain a puttah . .	Three months .	The date of the expiration of three months after demand.	District Court.
6	56	To enforce acceptance of puttah .	Do. . . .	The date of the expiration of one month from failure to accept.	District Court.

7	65	For compensation for withholding receipt	Three months	The date of payment	District Court
8	77	By landholder to recover arrears of rent	Three years	The date when the arrear becomes due or where there has been a suit or other proceeding for the purpose of ascertaining the rent the date of the decree or order by which the rent is finally ascertained, whichever date may be later	
9	88	For damages when distrained property is stolen lost, damaged or destroyed	Six months	The date when the property was stolen lost, damaged or destroyed	
10	95	By ryot to set aside distress	Fifteen days	The date of service of notice on the ryot requiring him either to pay the amount demanded or to institute a suit	
11	102	To recover from defaulting purchaser deficiency in price and costs resulting from second sale	Three months	The date of the certificate of the sale officer	
12	112	To contest the right of sale of a holding	Thirty days	The date of service of notice on the defaulter requiring him to pay the amount due or to file a suit contesting the right of sale	
13	123	To recover from defaulting purchaser deficiency in price and costs resulting from second sale.	Three months	The date of the certificate of the selling officer	
14	127 (c)	For payment of the subsequent rent	Thirty days	The date of sale of holding	
15	141	To recover illegal exactions	Six months	The date of the levy of unauthorized charge	

PART A.—*Suits triable by a Collector*—contd.

Serial number.	Section of Act.	Description of suit.	Period of limitation.	Time from which period begins to run.	Court, if any, to which an appeal lies.
1	2	3	4	5	6
16	149	To be indemnified against loss of rent when a holding is relinquished.	Six months.	The commencement of the revenue-year succeeding that in which the relinquishment is made.	District Court.
17	151 (1)	To eject a ryot	Two years	The date from which the land was rendered unfit.	
18	151 (2)	For compensation or for an injunction or for the repair of the damage or waste.	Do.	When the damage was done or the waste began.	
19	153	To eject a non-occupancy ryot	One year	The date on which the right to eject accrued.	
20	160	To set aside warrant of eviction	Fifteen days or the period extended by the Collector under section 159.	The date of service of the warrant.	
21	213	For damages not otherwise provided for.	Three months	The date of the accrual of the cause of action.	

PART B —*Applications to be disposed of by a District Collector, Collector, or other Revenue Officer.*

Serial number	Section of Act.	Description of application	Period of limitation.	Time from which period begins to run	Court, if any, to which an appeal lies
1	2	3	4	5	6
1	15	As to the right to make an improvement or as to whether a particular work is or will be an improvement	None . .	None	District Collector
2	16	To register improvements . .	None (subject to sub section (3) of section 16)	Do	Against refusal to register—District Collector
3	17	For recording evidence relating to an improvement	None .	Do	Against refusal to record evidence—District Collector
4	25	For settlement of a fair and equitable rent	One year .	Date of admission to the land	District Collector
5	32 (2)	For *revision* of enhancement of rent	None .	None .	District Court
6	42	For alteration of rent with area	Do . .	Do	District Collector
7	45	For determining sum payable by a person occupying land otherwise than by inheritance or legal transfer	One year . .	The date of occupation .	District Court
8	46 (proviso)	For settlement of rent of land for the purpose of the section.	None .	None . . .	District Collector

PART B.—*Applications to be disposed of by a District Collector, Collector or other Revenue Officer*—contd.

Serial number.	Section of Act.	Description of application.	Period of limitation.	Time for which period begins to run.	Court, if any, to which an appeal lies.
1	2	3	4	5	6
9	48 (2)	For ejecting a non-occupancy-ryot.	Ten weeks prior to commencement of the revenue-year next following.	The date of expiration of one month after service of notice on the ryot to pay enhanced rent.	District Collector.
10	54	For permission to file puttah in the office of Collector or other officer.	One year . .	The commencement of the revenue-year to which the puttah relates.	Do.
11	68	For permission to deposit rent in the office of Collector or other officer.	Six months . .	The date on which the rent became due.	Do.
12	71 (3)	For repayment of deposited rent .	None . . .	None	None.
13	74	For deputation of officer to make the appraisement or division.	Do. . . .	Do.	Do.
14	89	By third person having a right or interest in distrained property.	Thirty days . .	The date of distraint . . .	Do.
15	90	For delivery of property fraudulently conveyed to prevent distress or for payment of the value of such property.	Six months . .	The date on which the arrear became due.	Do.
16	90	For restoration of distrained property forcibly or clandestinely taken away or for payment of the value of such property.	Thirty days . .	The date on which the distrained property was forcibly or clandestinely removed.	Do.

17	106 (6)	For determination of distress expenses	Three months.	The date of sale officers' decision	Do.
18	114	For sale of holding	As in section 115	As in section 115	Do.
19	131	To set aside sale of holding	Thirty days	The date of sale	Do
20	133	For grant of time to pay arrears due	Do	The date of proclamation of sale	Do
21	137[1]	For an order under section 137 [1][by a landholder against] the repair of an irrigation work.	None	None	District Court.
22	137	By ryots to execute works in default of landholder	None	None	Against refusal to authorise execution—District Court
23	139	For the recovery of the cost of the repair of an irrigation work	Three years	The date of the completion of the repair.	District Court
24	141	For determination of irrigated or unirrigated rate	None	None	District Collector
25	145 (2)	For determining rent when holding is sub divided or transferred	Three months	The date of sub division or transfer	Do
26	149 (1)	For revision of the apportionment of rent made by a land holder.	Six months	Date of communication of land holder's decision to the ryot	Do
27	168	For issue of warrant to enter upon and take possession of the premises	Three months	Date of the expiration of the revenue year for which the arrear was due	Do

[1] Substituted respectively for the figures "135" and the word "for" by Madras Act IV of 1909 s 10 see also s 1 of that Act post

MADRAS ACT No. I OF 1909.[1]

[THE MADRAS REVENUE RECOVERY AMENDMENT ACT, 1909.]

[*14th December, 1908; 5th January, 1909.*]

An Act to amend the Madras Revenue Recovery Act II of 1864.

Preamble. WHEREAS it is expedient to amend Madras Act II of 1864; It is hereby enacted as follows:—

Short title. **1.** This Act shall be called the Madras Revenue Recovery Amendment Act, 1909.

Amendment of section 37 of Madras Act II of 1864. **2.** In the proviso to section 37 of Madras Act II of 1864, for the words "so paid", the words "paid under this or the next succeeding section" shall be substituted.

Insertion of a new section after section 37 of Madras Act II of 1864. **3.** The following shall be inserted as section 37-A after section 37 of Madras Act II of 1864:—

[*Vide supra*, p. 353].

Amendment of section 38 of Madras Act II of 1864. **4.** In clause (*3*), section 38 of Madras Act II of 1864, for the words "if no such application is made", the words "if no application to have the sale set aside is made under section 37-A or under clause (*1*) of this section" shall be substituted.

MADRAS ACT No. II OF 1909.[2]

[*14th December, 1908; 7th January, 1909.*]

An Act to repeal the Madras Labour and Emigration Act, 1866 (Madras Act No. V of 1866).

Preamble. WHEREAS it is expedient to repeal the Madras Labour and Emigration Act, 1866 (V of 1866); It is hereby enacted as follows:—

Repeal of Madras Act V of 1866. **1.** The Madras Labour and Emigration Act, 1866 (V of 1866), is hereby repealed.

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, 1908, Pt. IV, p. 788; and for Proceedings in Council, *see ibid*, p. 809.
The assent of the Governor-General to this Act was published in the Fort St. George Gazette of the 19th January, 1909.

[2] Mad. Act II of 1909 is spent.

MADRAS ACT No III OF 1909 [1]

[THE MADRAS DISTRICT POLICE AND TOWNS NUISANCES ACTS AMENDMENT ACT, 1909]

[*14th December, 1908 , 8th January, 1909*]

An Act to amend the Madras District Police Act, 1859, and the Madras Towns Nuisances Act, 1889

WHEREAS it is expedient further to amend the Madras District Police Act, 1859, and the Madras Towns Nuisances Act, 1889 , It is hereby enacted as follows — Preamble.

1. This Act may be called the Madras District Police and Towns Nuisances Acts Amendment Act, 1909 Short title.

2. In the definition of the word " subordinate " in section 1 of the Madras District Police Act, 1859, the words " and Deputies " shall be inserted after the word " Assistants ' Amendment of the definition of ' subordinate " in Act XXIV of 1859

3. In section 10 of the Madras District Police Act, 1859, Amendment of section 10 of Act XXIV of 1859

(*a*) after the words " the Inspector General of Police," the words "Deputy Inspectors General " shall be inserted , and

(*b*) for the word " Deputy " before the word " Superintendents," the word " District " shall be substituted

4. In section 9 of the Madras Towns Nuisances Act, 1889, the words " or Deputy " shall be inserted between the words " Assistant " and " Superintendent " Amendment of section 9 of Madras Act III of 1889

MADRAS ACT No IV OF 1909 [2]

[THE MADRAS ESTATES LAND ACT AMENDMENT ACT 1909]

[*14th February, 1909 , 3rd March, 1909*]

An Act to amend the Madras Estates Land Act, 1908

WHEREAS it is expedient to amend the Madras Estates Land Act, 1908, It is hereby enacted as follows — Preamble

1. This Act may be called the Madras Estates Land Act Amendment Act, Short title and commencement.

Pt. IV, pp 4, 21

1909, and it shall be deemed to have come into force with effect from the first day of July 1908.

Amendment of sub-section (*11*) of section 3.

2. In section 3 of the Madras Estates Land Act, 1908, clause (*c*) of, and the *Explanation* to, sub-section (*11*) shall be omitted.

Amendment of sub-section (*1*) of section 6.

3. To sub-section (*1*) of section 6 of the said Act, the following Explanation shall be added, namely :—

[*Vide supra*, p. 1121.]

Amendment of sub-section (*4*) of section 6.

4. In sub-section (*4*) of section 6 of the said Act, after the words "permanent right of occupancy" the following shall be inserted, namely :—

[*Vide supra*, p. 1122.]

Amendment of sub-section (*1*) of section 16.

5. In the proviso to sub-section (*1*) of section 46 of the said Act, the following amendments shall be made, namely :—

(i) For the words "greater or" the following shall be substituted, namely :—

"excessive and calculated to prevent the acquisition of the occupancy right or is."

(ii) For the words "the rent at the latter rate" shall be substituted the following, namely :—

"in the former case a fair and equitable rent and in the latter case the rent usually paid for similar lands with similar advantages in the neighbourhood."

Amendment of section 138.

6. In section 138 of the said Act, the following amendments shall be made, namely :—

(i) In the first paragraph, for the word "Collector" the words "District Collector" shall be substituted.

(ii) The second paragraph shall be numbered as sub-section (*2*), and for the words "this section" in that paragraph the words and figure "sub-section (*1*)" shall be substituted.

(iii) After the second paragraph renumbered as sub-section (*2*) the following new sub-section shall be inserted, namely :—

[*Vide supra*, pp. 1152-1153.]

Amendment of section 142.

7. In section 142 of the said Act.—

(i) for the words "entertain a suit or issue an injunction" the following shall be substituted, namely :—

"issue an injunction or, save as provided in section 138, entertain a suit ;"

(ii) after the words "District Collector" the following shall be inserted namely —

"under this Chapter other than an order under section 138", and

(iii) after the words "an appeal shall" the following shall be inserted, namely —

"unless otherwise provided for in Part B of the Schedule to this Act"

8. To section 153 of the said Act, the following words shall be added at the end, namely — *Amendment of section 153*

[*Vide supra*, p 1157]

9. In sub section (3) of section 214 of the said Act, the words "except an instrument appointing or authorising an agent" shall be omitted *Amendment of sub section (3) of section 214*

10. In the Schedule to the said Act, Part B, item 21, in column 2 for the figures "135" the figures "137" shall be substituted, and in column 3 for the word "for" shall be substituted the words "by a landholder against" *Amendment of item 21 in Part B of Schedule*

MADRAS ACT No V OF 1909 [1]

[THE MADRAS DISTRICT MUNICIPALITIES ACT AMENDMENT ACT, 1909]

[*23rd November, 1909, 10th December, 1909*]

An Act to amend the Madras District Municipalities Act, 1884

WHEREAS it is expedient further to amend Chapters IV and V of the Madras District Municipalities Act, 1884, It is hereby enacted as follows — *Preamble*

1. This Act may be called the Madras District Municipalities Act Amendment Act, 1909 *Short title*

2. For section 147 of the Madras District Municipalities Act, 1884, the following shall be substituted — *Substitution of new section for section 147*

[*Vide supra*, p 487]

3. The words "owner or" wherever they occur in section 149 shall be omitted *Amendment of section 149*

4. After section 254 shall be inserted the following section — *Insertion of new section after section 254*

[254A *Vide, supra*, p 524]

MADRAS ACT No. VI OF 1909.[1]

[THE ARNI JAGIR ACT, 1909.]

[23rd November, 1909; 10th December, 1909.]

An Act to include the Arni Jagir in the Schedule to the Madras Impartible Estates Act, 1904 (Madras Act II of 1904).

Preamble

WHEREAS it is expedient to declare that the Arni jagir is impartible and that the Jagirdar cannot exercise unrestricted powers of alienation in respect thereof; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Arni Jagir Act, 1909.

Inclusion of Arni jagir in Schedule to Madras Act II of 1904.

2. The Arni jagir in the District of North Arcot shall be included in the Schedule to the Madras Impartible Estates Act, 1904, as number 11 under the head of North Arcot and be subject to the provisions of that Act. Ma of

---

MADRAS ACT No. VII OF 1909.[2]

[THE MADRAS STEAM-BOILERS AND PRIME-MOVERS (AMENDMENT) ACT, 1909.]

[23rd November, 1909; 10th December, 1909.]

An Act further to amend the Madras Steam-boilers and Prime-movers Act, 1893.

Preamble.

WHEREAS it is expedient further to amend the Madras Steam-boilers and Prime-movers Act, 1893; It is hereby enacted as follows:— Mad of 1

Short title and commencement.

1. This Act may be called the Madras Steam-boilers and Prime-movers (Amendment) Act, 1909, and it shall come into force on the 1st of January 1910.

Amendment of section 6.

2. In section 6 of the Madras Steam-boilers and Prime-movers Act, 1893, for the word "twenty-four" shall be substituted the word "forty-eight." Mad of 1

Addition of sub-section to section 10.

3. To section 10 shall be added the following sub-section:—

[*Vide supra*, p. 741.]

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, 1909, Pt. IV, p. 222 and for Proceedings in Council, *see ibid*, p. 256.
The assent of the Governor-General to this Act was published in the Fort St. George Gazette of the 21st December, 1909.

[2] For Statement of Objects and Reasons, *see* Fort St. George Gazette, 1909, Pt. IV, p. 229, and for Proceedings in Council, *see ibid*, p. 259. The assent of the Governor General to this Act was first published in the Fort St. George Gazette of the 21st December, 1909.

4. The following section shall be inserted as section 10 A — Insertion of new section after section 10

[*Vide supra, p* 750]

5. (*1*) In sub-section (*3*) of section 12 after the words "such Magistrate" shall be inserted the words "shall within fifteen days of the receipt of the appeal publicly inquire into and determine the appeal, and" Amendment of section 12.

(*2*) In sub-section (*6*) of the same section for the words "the cost of the appeal incurred by Government and certified by the Magistrate" shall be substituted the words "he may award any sum not exceeding one hundred rupees to be paid by the appellant as costs, any sum so awarded"

6. For section 21, the following section shall be substituted — Substitution of new section for section 21

[*Vide supra*, p 743]

MADRAS ACT No I OF 1911 [1]

[THE MADRAS COURT OF WARDS ACT, 1902, AMENDMENT ACT, 1910]

[*17th December, 1910, 12th January, 1911*]

An Act to amend the Madras Court of Wards Act 1902

WHEREAS it is expedient to amend the Madras Court of Wards Act, 1902, It is hereby enacted as follows — Preamble.

1. This Act shall be called the Madras Court of Wards Act, 1902, Amendment Act 1910 Title.

2. For section 50 of the Madras Court of Wards Act, 1902, the following shall be substituted — Substitution of a new section for section 50 of Madras Act I of 1902

[*Vide supra*, p 864]

3. In section 51 and in the first sentence of section 52 of the Madras Court of Wards Act, 1902, the words "Collector or" shall be deleted and the words "or other officer competent to act as manager under section 25" shall be inserted after the word "manager" occurring in those sections Amendment of sections 51 and 52 of Madras Act I 1902

4. In the second sentence of section 52 of the Madras Court of Wards Act, 1902, the words "in the name of the Collector or in his own name, as the case may be," shall be deleted and the words "or other officer as aforesaid" shall be inserted after the word "manager" Amendment of section 52 Act I of 1902

[1] For Statement of Objects and Reasons, see Fort St George Gazette, 1910, Pt IV, p 330, and for Proceedings in Council, see ibid, p 381

The assent of the Governor General to this Act was published in the Fort St. George Gazette of the 24th January, 1911

MADRAS ACT No. II OF 1911.[1]

[THE MADRAS CITY MUNICIPAL (AMENDMENT) ACT, 1911.]

[*4th March, 1911; 20th March, 1911.*]

An Act further to amend the Madras City Municipal Act, 1904.

Preamble. WHEREAS it is expedient to amend sections 64, 151, 331, and 334 and Schedule VI of the Madras City Municipal Act, 1904; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Madras City Municipal (Amendment) Act, 1911.

Amendment of section 64. **2.** In section 64, the following clause shall be inserted between clauses (*a*) and (*b*):—

[*Vide supra*, p. 929.]

Amendment of section 151. **3.** (*1*) In section 151 the following clause shall be inserted between clauses (*c*) and (*d*):—

[*Vide supra*, p. 949.]

(*2*) The following shall be substituted for the proviso to the same section:—

[*Vide supra*, p. 949.]

Amendment of section 331. **4.** To section 331 the following sub-section shall be added:—

[*Vide supra*, p. 988.]

Amendment of section 334. **5.** To section 334 the following sub-section shall be added:—

[*Vide supra*, p. 988.]

Amendment of Schedule VI. **6.** In Schedule VI, the following shall be substituted for the first item:—

Vide supra, p. 1029.]

MADRAS ACT No. IV OF 1911.[2]

[THE LIMITED PROPRIETORS ACT, 1911.]

[*14th June, 1911; 4th July, 1911.*]

An Act to amend the Law relating to Proprietors of Estates.

Preamble. WHEREAS it is expedient that certain persons who are not proprietors as defined in the Madras Proprietary Estates' Village-service Act, 1894, the Mad-

---

[1] For Statement of Objects and Reasons, *see* Fort St George Gazette, 1910, Pt. IV, p. 332; for Report of Select Committee, *see ibid*, 1911, Pt. IV, p. 17; and for Proceedings in Council, *see ibid*, 1910, Pt. IV, p. 382; *ibid*, 1911, Pt. IV, p. 86.

The assent of the Governor-General to this Act was published in the Fort St. George Gazette of the 21st March, 1911.

[2] For Statement of Objects and Reasons, *see* Fort St. George Gazette, 1911, Pt. IV, p. 4; for Report of Select Committee, *see ibid*, 1911, Extraordinary, p. 39; for Proceedings in Council, *see ibid*, 1911, Pt. IV, pp. 80, 332, 449.

The assent of the Governor-General to this Act was published in the Fort St. George Gazette of the 18th July 1911.

III ras Hereditary Village offices Act, 1895, and the Madras Survey and Bound-
IV aries Act, 1897, should be enabled to exercise the powers and discharge the duties of proprietors under the said Acts, and whereas it is also expedient to make provision for the recovery of arrears of revenue from such persons, It is hereby enacted as follows —

1. This Act may be called the Limited Proprietors Act 1911 Short title

II 2 The proviso to the definition of proprietor in section 4 of the [2]Madras Repeal
IV Proprietary Estates' Village service Act 1894, and in section 3 of the [2]Madras Survey and Boundaries Act, 1897 is hereby repealed

3. In this Act unless there be something repugnant in the subject or context, 'Estate" and Village' respectively mean an estate and a village Definitions
4 as defined in the [2]Madras Proprietary Estates' Village service Act 1894

4. Where any person is entitled otherwise than as owner to collect the rents of the whole of an estate or any portion thereof consisting of one or more villages by virtue of any transfer from an owner or of any decree or order of a competent court or of any rule or provision of law and is not the proprietor Application to Collector for registration as proprietor
II as defined in section 4 of the [2]Madras Proprietary Estates' Village service
II Act, 1894, he may apply to the District Collector to be registered as proprietor in respect of such estate or portion for all or any of the purposes of the [2]Madras
III Proprietary Estates' Village service Act, 1894, the [2]Madras Hereditary Village
IV offices Act, 1895 and the [2]Madras Survey and Boundaries Act, 1897

5. (1) The District Collector shall give notice of the application to the registered proprietor and such other persons as appear to him to be interested in the result of the application and, after giving them an opportunity of being heard and making such inquiry as he thinks fit, may register the applicant as proprietor for all or any specified purposes of the said Acts or may refuse registry Procedure on such application

Provided that where the applicant is entitled to collect the rents by virtue of a decree or order of a competent court or of any rule or provision of law, it shall be open to the District Collector to register him as proprietor without giving notice or holding any inquiry

(2) Subject to the provisions of sections 7, 11 and 13 and to any decree of a competent civil court, such registration shall remain in force so long as the applicant is entitled to collect the rents

6. If the District Collector is satisfied that there exists a substantial dispute regarding the applicant's right to collect the rents, he shall require the applicant to establish his right in a civil court, unless for other reasons he is of opinion that the application should not be granted Procedure in case of dispute

7. Any registration made by the District Collector under section 5 may be cancelled or varied by him at any time after notice to the persons concerned Collector may vary or cancel registration

---

[2] Printed *supra*

Effect of registration.

8. During the time that any registration under this Act remains in force in respect of an estate or portion of an estate the person so registered shall exercise the powers and discharge the duties of a *proprietor* under the [1]Madras Proprietary Estates' Village-service Act, 1894, the [1]Madras Hereditary Village-offices Act, 1895, and the [1]Madras Survey and Boundaries Act, 1897, in such estate or portion in respect of the purposes for which he is registered, and no other person shall act or be treated as proprietor in respect of those purposes in the said estate or portion.

Mad. of 18[illegible] Mad. of 18[illegible] Mad. of 18[illegible]

Liability of the person registered to pay Government dues.

9. (*1*) Any person registered as proprietor under this Act by virtue of any transfer made after the commencement of this Act (hereinafter called the transferee) shall in relation to the Government be deemed to be a landholder in respect of the estate or portion of an estate concerned for the purposes of the [1]Madras Revenue Recovery Act, 1864, and shall be liable to be proceeded against under that Act for all sums which are recoverable thereunder from a landholder and which at the time of the registration may be due on such estate or portion as the case may be, or which may become due thereon at any time while such registration remains in force.

Mad. [illegible] of 186[illegible]

(*2*) If there is any valid agreement between the owner and the transferee of a portion of an estate as to the amount recoverable in respect of such portion, the said amount shall be determined in accordance with such agreement, except where the agreement appears to the District Collector to be unreasonable. In cases where there is no such agreement, or where the agreement appears to be unreasonable, the District Collector shall fix the said amount in the manner laid down in section 45 of the [1]Madras Revenue Recovery Act, 1864.

Mad. A[illegible] of 186[illegible]

(*3*) Nothing in this section shall relieve the transferor or his legal representative from any liability under the [1]Madras Revenue Recovery Act, 1864.

Mad. A[illegible] of 186[illegible]

Procedure in the case of default.

10. Where in consequence of the default of the transferee or his legal representative registered as proprietor under this Act it becomes necessary for the recovery of an arrear to proceed against the estate or portion of an estate in respect of which he is registered as proprietor, the Collector or other officer empowered by the Collector in that behalf shall cause a copy of the notice prescribed in section 36 of the [1]Madras Revenue Recovery Act, 1864, to be served also upon the owner of the estate not less than one month before the sale.

Mad. A[illegible] of 1864

Cancellation of registration in case of default.

11. Where in consequence of the default of the transferee or his legal representative registered as proprietor under this Act the owner of the estate pays the arrears due by the defaulter or any part of the estate is sold for the recovery of the arrears, the registration of the defaulter as proprietor under this Act may be cancelled by the District Collector and the defaulter shall, from the date of the cancellation and in cases where it has been appealed against from the date of the appellate order confirming the same, cease

---

[1] Printed *supra*.

to exercise the powers and discharge the duties of a proprietor and cease
I to be a landholder for the purposes of the [1]Madras Revenue Recovery Act, 1864

12. From the date on which any registration under this Act ceases for any cause to be in force the proprietor then registered under the [1]Madras Land Registration Regulation 1802, or the [1]Madras Land Revenue Assessment
I Act, 1876 shall possess the powers and be subject to the duties conferred
II and imposed upon the proprietor by the [1]Madras Proprietary Estates Village-service Act, 1894 the [1]Madras Hereditary Village offices Act, 1895,
III and the [1]Madras Survey and Boundaries Act, 1897

Revival of powers and duties of ordinary proprietor on expiry of registry under this Act

IV **13.** (*1*) The District Collector shall record his reasons in writing for every order passed by him under this Act A copy of the order shall be despatched by registered post to all parties affected thereby whose addresses can be ascertained

District Collector's orders to be in writing

(*2*) Against every such order an appeal shall lie to the Board of Revenue within two months from the date of despatch

Appeal to Board of Revenue

14. No suit or application shall lie for an injunction to restrain a District Collector from proceeding under this Act nor shall the Secretary of State for India in Council or any officer of Government be made a party to any suit or be liable in respect of anything done or purporting to be done under this Act in good faith

Barring of suits and applications for an injunction

15. Subject to the approval of the Local Government the Board of Revenue may make rules not inconsistent with this Act for carrying out the purposes of the Act

Power to make rules

MADRAS ACT No V of 1911 [2]

[The Madras Hackney Carriage Act, 1911]

[*16th June 1911, 7th July, 1911*]

An Act to amend and declare the Law for the Regulation of Hackney Carriages in the Town of Madras

Whereas it is expedient to amend and declare the law relating to the regulation of hackney carriages, It is hereby enacted as follows —

Preamble

CHAPTER I

Preliminary

1. (*1*) This Act may be called the Madras Hackney Carriage Act, 1911

Title

[1] Printed *supra*.

Local extent.

(2) It extends—

(*a*) to the town of Madras,

(*b*) to such other parts of the Presidency of Madras as the Local Government may by notification[1] direct:

Provided that no such notification shall be issued unless notice of the proposed extension inviting objections thereto shall have been published not less than two months previously.

Commencement.

(3) It shall come into force—

(*a*) in the town of Madras, at once, and

(*b*) in any area to which it may be extended by a notification under clause (*b*) of sub-section (2) on such date as may be specified in that behalf in the notification:

Provided that the Act shall not be extended to any town or place unless notice of the proposed extension inviting objections thereto shall have been published not less than two months previously.

Repeal.

2. The Madras Hackney Carriage Act, 1879,[1] is hereby repealed.

Definitions.

3. In this Act, unless there be something repugnant in the subject or context,—

"Commissioner."

(1) "Commissioner" means the Commissioner of Police appointed under the Madras City Police Act, 1888.

"Magistrate."

(2) "Magistrate" means any magistrate having local jurisdiction in any area to which this Act extends.

"Hackney-carriage."

(3) "Hackney carriage" means any wheeled vehicle drawn or pushed by a man or horse, bullock or other animal and used for the conveyance of any person which stands or plies for hire by the hour or day or according to distance.

"Stage carriage."

(4) "Stage carriage" means any hackney carriage the passengers in which may pay or be charged at the rate of separate and distinct fares for their conveyance thereby.

"Driver."

(5) "Driving" includes dragging or pushing and "driver" includes any person who drives, drags or pushes any hackney carriage.

"Horse."

(6) "Horse" includes mule or pony.

"Year of …tion."

(7) "Year of registration" means the year ending with the thirty-first day of March.

CHAPTER II.

Registration and Numbering of Hackney Carriages.

Annual registration compulsory.

4. Every hackney carriage shall be annually registered by the Commissioner.

---

[1] Mad. Act V of 1911 has been extended to all places in which Mad. Act III of 1879 was in force except Sakkottai in Tanjore from which the latter Act has been withdrawn. Mad. Act III of 1879 is therefore no longer in force anywhere in Madras.

5. (*1*) Any person who is desirous of having any vehicle registered as a hackney carriage shall apply to the Commissioner, and shall submit such vehicle for such inspection as the Commissioner may direct Application for registry

(*2*) The person in whose name any carriage is registered shall be deemed to be the owner of such carriage for the purposes of this Act

6. Every applicant under section 5 shall be entitled to registration unless the Commissioner is of opinion that the vehicle is not fit for public use Provided that no vehicle shall be registered in the name of a minor Right to registry

7. (*1*) The Commissioner shall at the time of registration deliver a license duly signed by him to the applicant Grant of carriage license

(*2*) A license granted under this section shall be in force for the year of registration Currency of license

8 The following particulars shall be entered in the register and in the license to be given to the applicant — Form of license

First —The number in the register of the hackney carriage

Second —The name and residence of the owner and the place where the carriage is kept

Third —A description of the carriage

Fourth —The number of horses or other animals to be employed in drawing such carriage and, if the carriage is drawn or pushed by men, the number of men to be so employed

Fifth —The number of passengers such carriage is licensed to carry

Sixth —The date of the license

9. A fee shall be paid to the Commissioner for each license in accordance with the following scale — Fee for license.

	Rs	*a*	*p*
(*a*) For every four wheeled carriage drawn by two or more horses licensed to carry more than six passengers	3	0	0
(*b*) For every other four wheeled carriage drawn by two horses	2	0	0
(*c*) For every other four wheeled carriage drawn by one horse or by bullocks	1	0	0
(*d*) For every two wheeled carriage drawn by one horse	0	8	0
(*e*) For every two wheeled carriage drawn by one or more bullocks	0	4	0
(*f*) For every rickshaw perambulator or other carriage drawn or pushed by a man	0	4	0

10. The Commissioner may suspend for such period as he thinks fit the license of any hackney carriage, whenever it appears to him that such carriage or any animal or harness used therewith is unfit for public use Suspension of license by Commissioner

11. On any transfer of a hackney carriage the transferee shall, if he desires to use it a such, within one week of the date of the tran fer, apply to the Comm ssioner for transfer of the registry giving him the particulars specified in the first three clauses of section 8 Transfer of registry

Notice of change of residence, etc., to be given by licensee.

12. (*1*) Whenever the owner of a hackney carriage changes his residence, or the place where such carriage is kept, he shall within one week from the date of such change forward his license and give to the Commissioner a notice in writing signed by him specifying the new residence or place.

Penalty.

(*2*) Every such owner who neglects to forward his license and give such notice shall be liable to a fine not exceeding twenty rupees.

Transfers and change of residence to be registered.

13. The Commissioner, on receiving the application or notice specified in either of the two last preceding sections, shall make the necessary alteration in the register and the license and return the license ; and a fee of two annas shall be payable in respect thereof.

Penalty for keeping unlicensed hackney carriage.

14. Whoever keeps any hackney carriage, which has not been duly licensed under this Act, shall be liable to a fine not exceeding fifty rupees.

Numbering of hackney carriage.

15. (*1*) Upon the registration of any hackney carriage the Commissioner shall cause to be painted on some conspicuous part of the carriage or on a plate to be affixed on some conspicuous part of the carriage its number in the register and the number of passengers it is licensed to carry.

Renewal of inscription or plate.

(*2*) If the words or figures so painted become indistinct or are obliterated during the term of the license, the owner of the carriage shall be bound to produce it before the Commissioner and apply to have such words or figures renewed. If the plate so affixed shall have been lost or stolen, the owner of the carriage shall be bound to apply to the Commissioner to have a new plate affixed. The charge for such painting or new plate shall be four annas.

Return of plate on expiry of license.

16. (*1*) On the expiration or other determination of the period of registration, the owner of every hackney carriage shall cause the plate of such hackney carriage to be delivered to the Commissioner.

Penalty.

(*2*) Any person who, after the expiration of the period aforesaid, wilfully omits for fourteen days to deliver the plate to the said officer, shall be liable to a fine not exceeding twenty rupees.

Penalty for using counterfeit plate.

17. (*1*) Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act, shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this section with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to one month.

Seizure of counterfeit plate.

(*2*) Any police-officer may seize and take away any plate used or had as aforesaid, wheresoever the same may be found, and deliver the same to the Commissioner.

Penalty for plying for hire without plate.

18. If any hackney carriage stands or plies for hire without a plate or legible inscription as prescribed by section 15, the owner thereof shall be liable to a fine not exceeding twenty rupees.

CHAPTER III.

Driver's License and Badge

Grant of driver's license.

19. (*1*) It shall be lawful for the Commissioner to grant a license to act as driver of any hackney carriage to any applicant whom he may consider fit

Form of license.

(2) Every such license shall contain—

the number of the license,

the name, place of abode and age of the person to whom such license is granted,

the description of carriage and animals, if any, to be used therewith, and

the date on which the license was granted,

and shall bear the signature of the Commissioner

Currency of license.

(3) Such license shall be in force for the year of registration and the fee payable therefor shall be one rupee unless the license relates solely to a carriage of the description specified in clause (*f*) of section 9, in which case the fee shall be four annas

Particulars of license to be registered

20. The particulars of every license which shall be granted under the provisions of section 19 shall be entered in a register by the Commissioner, and every person applying shall be furnished with a certified copy of such particulars on payment of a fee of two annas

Penalty for driving without license or lending license.

21. If at any time fifteen days after the time when a license should have been obtained any person acts as the driver of a hackney carriage without having a license in force for the time being, or, having a license, fails to carry it with him when driving a hackney carriage or transfers or lends it or allows it to be used by any other person, he shall be liable to a penalty not exceeding twenty rupees

Suspension of license by Commissioner.

22. The Commissioner may suspend for such period as he thinks fit the license of the driver of a hackney carriage whenever in his opinion such driver is unfit to be so employed

Penalty for suffering unlicensed person to drive.

23. The owner of a hackney carriage who knowingly suffers any person, not duly licensed under this Act, to act as driver of such carriage shall be liable to a penalty not exceeding fifty rupees

Proviso.

Provided that such owner and such unlicensed driver shall be subject to all the provisions of this Act for any act done or omitted to be done by such driver during such employment in like manner as if such driver had been duly licensed.

Supply of badge to driver.

24. (*1*) The Commissioner shall, at the time of granting a license to any driver of a hackney carriage, furnish him with a metal badge punched or marked with the number of his license.

[illegible]

(2) Every driver to whom such badge is delivered shall at all times while acting as driver, or while attending before any magistrate, wear such badge exposed to view

Notice of change of residence, etc., to be given by licensee.

12. (*1*) Whenever the owner of a hackney carriage changes his residence, or the place where such carriage is kept, he shall within one week from the date of such change forward his license and give to the Commissioner a notice in writing signed by him specifying the new residence or place.

Penalty.

(*2*) Every such owner who neglects to forward his license and give such notice shall be liable to a fine not exceeding twenty rupees.

Transfers and change of residence to be registered.

13. The Commissioner, on receiving the application or notice specified in either of the two last preceding sections, shall make the necessary alteration in the register and the license and return the license; and a fee of two annas shall be payable in respect thereof.

Penalty for keeping unlicensed hackney carriage.

14. Whoever keeps any hackney carriage, which has not been duly licensed under this Act, shall be liable to a fine not exceeding fifty rupees.

Numbering of hackney carriage.

15. (*1*) Upon the registration of any hackney carriage the Commissioner shall cause to be painted on some conspicuous part of the carriage or on a plate to be affixed on some conspicuous part of the carriage its number in the register and the number of passengers it is licensed to carry.

Renewal of inscription or plate.

(*2*) If the words or figures so painted become indistinct or are obliterated during the term of the license, the owner of the carriage shall be bound to produce it before the Commissioner and apply to have such words or figures renewed. If the plate so affixed shall have been lost or stolen, the owner of the carriage shall be bound to apply to the Commissioner to have a new plate affixed. The charge for such painting or new plate shall be four annas.

Return of plate on expiry of license.

16. (*1*) On the expiration or other determination of the period of registration, the owner of every hackney carriage shall cause the plate of such hackney carriage to be delivered to the Commissioner.

Penalty.

(*2*) Any person who, after the expiration of the period aforesaid, wilfully omits for fourteen days to deliver the plate to the said officer, shall be liable to a fine not exceeding twenty rupees.

Penalty for using counterfeit plate.

17. (*1*) Every person who shall, for the purpose of deception, use or have any plate resembling or intended to resemble any plate affixed under this Act, shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this section with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to one month.

Seizure of counterfeit plate.

(*2*) Any police-officer may seize and take away any plate used or had as aforesaid, wheresoever the same may be found, and deliver the same to the Commissioner.

Penalty for plying for hire without plate.

18. If any hackney carriage stands or plies for hire without a plate or legible inscription as prescribed by section 15, the owner thereof shall be liable to a fine not exceeding twenty rupees.

CHAPTER III

Driver's License and Badge

19. (*1*) It shall be lawful for the Commissioner to grant a license to act as driver of any hackney carriage to any applicant whom he may consider fit — Grant of driver's license

(*2*) Every such license shall contain— — Form of license

the number of the license

the name place of abode and age of the person to whom such license is granted

the description of carriage and animals if any, to be used therewith, and

the date on which the license was granted

and shall bear the signature of the Commissioner

(*3*) Such license shall be in force for the year of registration and the fee payable therefor shall be one rupee unless the license relates solely to a carriage of the description specified in clause (*f*) of section 9, in which case the fee shall be four annas — Currency of license

20. The particulars of every license which shall be granted under the provisions of section 19 shall be entered in a register by the Commissioner, and every person applying shall be furnished with a certified copy of such particulars on payment of a fee of two annas — Particulars of license to be registered

21. If at any time fifteen days after the time when a license should have been obtained any person acts as the driver of a hackney carriage without having a license in force for the time being or having a license, fails to carry it with him when driving a hackney carriage or transfers or lends it or allows it to be used by any other person, he shall be liable to a penalty not exceeding twenty rupees — Penalty for driving without license or lending license

22. The Commissioner may suspend for such period as he thinks fit the license of the driver of a hackney carriage whenever in his opinion such driver is unfit to be so employed — Suspension of license by Commissioner

23. The owner of a hackney carriage who knowingly suffers any person, not duly licensed under this Act, to act as driver of such carriage shall be liable to a penalty not exceeding fifty rupees — Penalty for suffering unlicensed person to drive

Provided that such owner and such unlicensed driver shall be subject to all the provisions of this Act for any act done or omitted to be done by such driver during such employment in like manner as if such driver had been duly licensed — Proviso

24. (*1*) The Commissioner shall at the time of granting a license to any driver of a hackney carriage, furnish him with a metal badge punched or marked with the number of his license — Supply of badge to driver

(*2*) Every driver to whom such badge is delivered shall, at all times while acting as driver, or while attending before any magistrate, wear such badge exposed to view — Driver to wear badge

Penalty.

(3) In case any such driver omits to wear such badge exposed to view while acting as driver or attending before a magistrate, he shall be liable to a penalty not exceeding ten rupees.

Renewal of lost or damaged badge.

(4) Whenever the number on any badge becomes indistinct or is obliterated during the term of the license, and also whenever any badge is lost or stolen, the person to whom the license relating to any such badge has been granted shall deliver such badge or notify its loss and shall produce such license to the Commissioner, and such person shall then be entitled to have a new license and badge delivered to him upon payment of half the fee mentioned in section 9. Such new license shall be in force for the year of registration.

Penalty.

(5) Every person licensed under the authority of this Act who uses or wears the badge granted to him after the writing thereon has become indistinct or obliterated shall be liable to a fine not exceeding ten rupees.

Return of expired license and badge.

25. (1) Upon the expiration or other determination of any license granted to a driver under this Act he shall deliver such license and his badge to the Commissioner.

Penalty.

(2) Every driver who neglects for three days to deliver such expired license and badge to the Commissioner, and also every person who uses, or wears, or fraudulently detains any such expired license or badge, and every person to whom any expired license or badge has been delivered who lends, gives away, mortgages or sells such badge to any other person and every person who detains, wears or uses any license or badge of any other person shall be liable to a penalty not exceeding twenty rupees.

Penalty for using counterfeit badge.

26. Every person who for the purpose of deception uses or wears any badge resembling or intended to resemble any badge granted under the authority of this Act shall be punishable with fine which may extend to fifty rupees, and in the case of a subsequent conviction under this section with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month.

Seizure of expired or counterfeit badge.

27. Any police-officer may seize and take away any expired or counterfeit badge, or any badge in respect of which an offence under section 25 has been committed, wheresoever the same may be found, and deliver the same to the Commissioner.

Penalty for failing to produce license before magistrate.

28. Whenever any driver is summoned to appear before any magistrate to answer any charge preferred against him under this Act, he shall carry with him his license, and produce the same if required so to do; and any driver who on such requisition refuses to produce such license shall be liable to a fine not exceeding five rupees.

Convictions under Act to be endorsed on license.

29. On the conviction of any driver for any offence under this Act the magistrate shall cause to be endorsed on his license the nature of the offence, the date of the conviction and the amount of the penalty inflicted.

Cancellation or suspension of license on conviction.

30. (1) On the conviction of any driver for any offence under this Act the magistrate may direct the cancellation of the license of such driver or its suspension for such time as he thinks fit.

Return of license or badge on conviction.

(*2*) For such purpose he may require the driver or any other person who may be in possession of the license or badge to deliver up the same

Penalty

(*3*) If such driver or other person refuses or neglects to deliver up the license or badge, he shall be liable to a penalty not exceeding ten rupees

Magistrate to communicate sentence and forward license and badge to Commissioner

(*4*) The magistrate shall forward every license and every badge delivered up to him under sub section (*2*) to the Commissioner together with a memorandum of his sentence in the case

Action to be taken by Commissioner

(*5*) The Commissioner shall enter the fact of such sentence in the register referred to in section 20, and shall either suspend or cancel such license according to the direction of the magistrate, and if it has been suspended, the Commissioner shall on application, at the end of the period of suspension, redeliver such license or badge to the person to whom it was granted

---

CHAPTER IV

Fares, Hiring, and Plying for Hire

Maximum fares for use of hackney carriages

31. (*1*) The owner or driver of every hackney carriage may demand and receive for the hire of such carriage such fares as may be fixed and published by the Commissioner with the sanction of the Local Government duly notified

Contract for lower fare to be binding

Provided that any agreement entered into to accept a fare lower than the fare so fixed shall be binding

Back fares prohibited

(*2*) No owner or driver shall demand or receive over and above the said fare any sum for back fare for the return of the carriage from the place at which it was discharged

Contract for higher fare invalid

32. No agreement made with the driver of any hackney carriage for the payment of more than the fare published in accordance with section 31 shall be binding on the person making the same, and any person, notwithstanding such agreement, may refuse on discharging such hackney carriage to pay any sum beyond such fare If in pursuance of such agreement any person receives any sum exceeding the fare allowed, he shall be liable to pay a fine not exceeding ten rupees and also to refund such excess, which shall be recoverable as if it were a fine

Penalty

Publication of authorized fares and distances.

33. (*1*) The Commissioner shall cause to be prepared a list in English and Tamil or other vernacular language of the fares published under section 31 and shall annex to such list a table showing the distances between the principal places to and from which hackney carriages commonly ply. The distances so shown shall be presumed to be correct.

Copies of published scale to be available for sale.

(2) Copies of such list and table shall be issued to all applicants on payment of a fee of two annas for each copy.

Driver to keep copy of published scale and produce on demand.

(3) The driver of every hackney carriage standing or plying for hire shall have with him a copy of such list and table and shall on demand produce the same for the inspection of any police-officer or for the information of any hirer of, or passenger by, his carriage under penalty on conviction by a magistrate of a fine not exceeding ten rupees.

Maximum distance to which driver is bound to drive.

34. (*1*) The driver of every hackney carriage standing or plying for hire shall drive such carriage to any place named by the hirer which is not more than three miles from the place of hiring in the case of vehicles of the description specified in clause (*f*) of section 9 and six miles in the case of any other vehicle.

Minimum speed when hired by time.

(*2*) When any such carriage is hired by time, the driver thereof shall drive the same at a rate of speed not less than that prescribed by the Commissioner.

Penalty.

(*3*) A driver failing, without reasonable excuse, to comply with the provisions of this section, shall be liable to a fine not exceeding ten rupees.

Quantity of luggage to be carried.

35. The driver of every hackney carriage shall carry in or upon such carriage without additional charge such quantity of luggage for every person hiring the same as may be prescribed by by-law under this Act.

Penalty for refusing to let hackney carriage for hire.

36. Any owner or driver of any hackney carriage who demands more than the fare to which he is legally entitled or without reasonable excuse refuses to let such carriage for hire shall be liable to a fine not exceeding fifty rupees and to pay such further sum by way of compensation to the party complaining as to the magistrate may seem just; and such further sum shall, in default of immediate payment, be levied as if it were a fine.

Penalties for various offences by driver.

37. Every driver of a hackney carriage, who—

(*a*) is drunk during his employment,

(*b*) makes use of insulting or abusive language or gesture,

(*c*) stands elsewhere than at some stand or other place appointed for the purpose or loiters for the purpose of being hired in or upon any public street, road or place,

(*d*) wilfully obstructs, or hinders, the driver of any hackney carriage in taking up or setting down any person into, or from, such other carriage,

(*e*) wrongfully prevents or endeavours to prevent the driver of any other hackney carriage from being hired,

(*f*) refuses to admit and carry in such carriage the number of passengers the carriage is licensed to carry,

(*g*) carries more than such number of passengers,

(*h*) refuses to carry such quantity of luggage as is provided by the by laws under this Act,

(i) being hired, permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the consent of the person hiring the same

(j) drives in any hackney carriage any animal which is not so secured as to be under the control of the driver,

(k) being hired by time or distance, before he has been discharged by the hirer, wilfully deserts from the hiring,

(l) plies for hire with any carriage or animal which shall at the time be unfit for public use,

(m) without previously disinfecting it knowingly uses for hire any carriage used for the conveyance of a corpse or any person suffering from any contagious or infectious disease,

shall be liable to a fine not exceeding fifty rupees, or to imprisonment which may extend to one month, or to both

38. (*1*) When a complaint is made before a magistrate against the driver of a hackney carriage under this Act, the magistrate may, if the driver fails to appear, summon the owner to appear and to produce the driver — Requisition to owner to produce absent driver

(*2*) If the owner after being duly summoned fails without reasonable excuse to appear or to produce the driver according to the summons, he shall be liable to a fine not exceeding fifty rupees — Penalty

(*3*) If the owner fails without reasonable excuse to appear or produce such driver on a second or subsequent summons requiring him to do so, the magistrate may dispose of the complaint in the absence of the owner and driver or either of them — *Ex parte* disposal of complaint

39. (*1*) In case of any dispute between the hirer and the driver of any hackney carriage, either may require the other to proceed forthwith to the nearest magistrate's court, and the then sitting magistrate shall hear and determine the dispute in a summary way — Procedure in case of disputes between hirer and driver

(*2*) If no magistrate be then sitting either party may require the other to proceed to the nearest police officer who shall enter the complaint in his diary and require the parties to appear before the magistrate at his next sitting

(*3*) On failure of either party to appear before the magistrate in pursuance of a requisition under sub section (*1*) or sub section (*2*) or to attend the court at any subsequent sitting to which the case may be adjourned, the magistrate may decide the case *ex parte*, and his decision shall be binding on both parties

40. (*1*) If any person who has hired a hackney carriage refuses to pay to the owner or driver thereof the fare payable under this Act, the magistrate may order payment of such fare, and also of reasonable compensation for loss of time and in default of immediate payment such fare and compensation may be recovered as a fine — Procedure in case of refusal to pay fare

(*2*) If any person who has used any such carriage attempts to evade payment of the legal fare, or any portion thereof, he shall be liable to a fine not exceeding fifty rupees in addition to any payment which may have been ordered under sub section (*1*) — Penalty

Peanlty for defacing or destroying plate, badge or table of fares.

41. (*1*) Every person who wilfully tears, destroys, defaces, obliterates, or removes any plate, list of fares, table of distances, or driver's badge kept under the provisions of this Act, shall be liable to a fine not exceeding twenty rupees.

(*2*) Any portion of the fine may be awarded to the person to whom such plate, list of fares, table of distances, or driver's badge belongs.

Penalty for wilful injury to hackney carriage.

42. Every person using a hackney carriage who wilfully injures the same shall be liable to a fine not exceeding Rs. 20, and shall also pay to the owner such compensation for the injury as the magistrate may direct; and such compensation shall be leviable as if it were a fine.

Hackney carriage may ply for hire as stage carriage.

43. (*1*) It shall be lawful for a registered hackney carriage to ply for hire as a stage carriage.

Fares for use of stage carriages.

(*2*) The owner or driver of a carriage so plying for hire or hired as a stage carriage shall not be subject to the provisions of section 31 but shall be entitled to receive such fares as shall be agreed upon between him and the several hirers respectively subject to any maximum which may be prescribed by the Commissioner.

Provisions of Act applicable to stage carriages.

(*3*) All the other provisions of this Act shall be applicable so far as may be to the case of a hackney carriage standing or plying as a stage carriage.

Hackney carriage stands.

44. (*1*) The Commissioner shall appoint a sufficient number of public stands for hackney carriages.

(*2*) Every public stand so appointed shall have a board placed in a conspicuous place on the same containing a notice in English and Tamil or other vernacular language stating that the stand is a public stand under this Act, and specifying the number of carriages that may stand upon it.

CHAPTER V.

Lost Property.

Deposit with police of property left in hackney carriages.

45. (*1*) The owner or driver of every hackney carriage wherein any property is left by any person shall, within eighteen hours, carry such property to the nearest police-station and deposit it with the inspector or other officer on duty, and shall be entitled to a receipt duly signed by the officer taking charge of the same.

Penalty.

(*2*) Any such owner or driver making default herein shall be liable to a fine not exceeding Rs. 20, or to imprisonment for a period which may extend to one month, or to both.

Police to register particulars of property deposited

46. (*1*) The said officer shall forthwith enter, in a book to be kept for that purpose,—

(*a*) the description of the property;

(*b*) the name and address of the driver or other person who brings it,
(*c*) the name and address of the owner of the hackney carriage in which it was left, and the registered number of the carriage, and
(*d*) the day and hour when the property is brought,

and shall give to the person bringing the property a receipt for the same and grant receipt.

(*2*) Such property shall be delivered to the person who satisfies the Commissioner that it belongs to him upon payment of all expenses incurred by the owner or driver, together with such reasonable sum as the Commissioner may award Return of property to owner

Provided that if the property is not claimed and the ownership established within six months from the date of deposit, the Commissioner may cause the property to be advertised and sold by public auction, and the proceeds, after deducting the expenses, together with such reasonable sum as the Commissioner may award to the owner or driver, may be forfeited to the Government Sale of unclaimed property

CHAPTER VI

PROSECUTIONS

47. If in any prosecution under this Act the person charged does not appear as directed by the summons, the magistrate may, upon proof of service and if no sufficient cause be shown for the non appearance, proceed to dispose of the case in his absence *Ex parte* disposal of criminal charges

48. (*1*) No person shall be liable to prosecution for any offence under this Act unless the complaint respecting such offence be made within one month next after the commission of such offence Limitation restricting criminal proceedings

(*2*) For the purposes of this section every omission punishable under this Act shall be deemed to be a continuing offence so long as the omission continues Continuing offences

49. Where the magistrate is satisfied that a complainant had no reasonable ground for instituting a prosecution he may direct the complainant to pay to the accused such compensation not exceeding fifty rupees as he thinks fit, and the sum so awarded shall be recoverable as if it were a fine Compensation for frivolous prosecution

CHAPTER VII

BY LAWS AND DELEGATIONS

50. The Commissioner may, subject to the approval of the Local Government and after previous publication, make by laws not inconsistent with the provisions of this Act with regard to— Power to make by laws.

(*a*) the examination and qualifications of drivers and the conditions under which they may be employed,

(*b*) the description of horses, bullocks or other animals, harness and other things to be used with hackney carriages, the dimensions of such carriages, and the condition in which such carriages and the horses, bullocks or other animals, harness and other things used therewith shall be kept;

(*c*) the inspection of the premises on which any such carriages, horses, bullocks or other animals, harness and other things are kept;

(*d*) the protection of weak, lame and sickly horses, bullocks or other animals;

(*e*) the publication of a list of fares and table of distances and the regulation of the amount and weight of luggage to be carried with or without additional charge; and

(*f*) generally for carrying out the purposes of this Act:

Provided that such by-laws shall not take effect until the expiration of one month from the date of their publication.

Penalty for breach of by-laws.

51. Whoever infringes any by-law shall, on conviction before a magistrate, be liable to a fine not exceeding twenty rupees.

Delegation of Commissioner's functions in Madras.

52. Subject to the control of the Local Government the Commissioner may delegate to any Deputy or Assistant Commissioner all or any of his functions under this Act in respect of the whole or any part of the city of Madras.

CHAPTER VIII.

Extension of the Act.

Discharge of Commissioner's functions in mufassal.

53. Upon the extension of this Act to any town or place under sub-section (*3*) of section 1 the Local Government shall appoint persons by name or by official designation to perform the functions of the Commissioner under this Act.

MADRAS ACT No. I of 1913.[1]

[The Madras Abkari (Amendment) Act, 1913.]

[26th April, 1913; 29th May, 1913.]

An Act to amend the Madras Abkari Act, 1886.

Preamble.

Whereas it is expedient to amend the Madras Abkari Act, 1886; It is hereby enacted as follows:—

Short title.

1. This Act shall be called the Madras Abkari (Amendment) Act, 1913.

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, 1912, Pt. IV, p. 600; for Report of Select Committee, *see ibid*, 1913, Pt. IV, p. 71; and for Proceedings in Council, *see ibid*, 1912, Pt. IV, p. 654; *ibid*, 1913, Pt. IV, p. 380.

The assent of the Governor General to this Act was published in the Fort St. George Gazette of 17th June, 1913.

Interpretation clause

2. Unless there is something repugnant in the subject or context the sections declared to be amended by this Act are those of the Madras Abkari Act 1886

Amendment of section 3

3. In section 3 the following amendments shall be made —

(i) In sub section (*8*) the words " whether it is denatured or not " shall be added at the end

(ii) The following explanation shall be added to sub-section (*8*) —

[*Vide supra*, p 636]

(iii) In sub section (*13*) the words " or the coca plant (*Erythroxylon Coca*) ' shall be inserted after the words " the hemp plant (*Cannabis Sativa or Indica*) "

(iv) The following shall be inserted as sub section (*17-A*) —

[*Vide supra*, p 637]

(v) In sub section (*18*) the words ' prepared or blended " shall be substituted for the words " or prepared

(vi) The following shall be inserted as sub section (*18 A*) —

[*Vide supra*, p 637]

(vii) The following shall be added as sub section (*21*) —

[*Vide supra*, p 637]

Amendment of section 12.

4. In section 12 the following amendments shall be made —

(i) The words " or coca plant (*Erythroxylon Coca*) ' shall be inserted after the words hemp plant (*Cannabis Sativa or Indica*) "

(ii) The following paragraph shall be inserted between the second and third paragraphs, *viz* —

[*Vide supra*, p 641]

(iii) The word " and " at the end of paragraph 5 shall be omitted, and the words " no liquor shall be bottled for sale, and " shall be inserted between the fifth and sixth paragraphs

(iv) The following shall be added at the end of the section —

[*Vide supra*, p 641]

Amendment of section 13

5. In section 13 the following amendments shall be made —

(i) The words " or specially with regard to " persons, places or time " shall be substituted for the words " for the whole Presidency or for any local area "

(ii) In proviso (2) the words " other than denatured spirit " shall be inserted after the words " foreign liquor," and the word " of " shall be substituted for the words " purchased by "

Additional section 13 A

6. The following section shall be inserted as section 13-A —

[*Vide supra*, p 642]

Amendment of section 15.

7. In section 15 the following amendments shall be made :—

(i) The words "or to any officer whom the Commissioner may generally or specially authorize" shall be added after the words "intoxicating drugs" at the end of the first paragraph.

(ii) The following provisos shall be substituted for the first proviso :—

[*Vide supra*, p. 642.]

(iii) In the second proviso the words "by notification" shall be substituted for the words "in like manner," and the words "under such conditions as the Commissioner may prescribe" shall be substituted for the words "in pots or other receptacles freshly coated internally with lime, for the purpose of the manufacture of jaggery."

(iv) The following shall be added at the end of the section :—

[*Vide supra*, p. 643.]

Substitution of a revised section for section 17.

8. For section 17 the following section shall be substituted :—

[*Vide supra*, p. 643.]

Amendment of section 18.

9. In section 18 the following amendments shall be made :—

(i) In clause (*a*) the words "a distillery, brewery or warehouse licensed or established under section 12 or section 14" shall be substituted for the words "the distillery or brewery."

(ii) In clause (*b*) the words "or issued from a warehouse licensed or established under section 14" shall be added at the end.

(iii) In clause (*f*) the words "import, export or" shall be inserted before the word "transport."

(iv) The following proviso shall be added at the end of the section :—

[*Vide supra*, p. 644.]

Amendment of section 26.

10. In section 26 the following shall be inserted after the words "non-bailable offence" in clause (*c*) :—

[*Vide supra*, p. 646.]

[Sub]stitution [of] a revised section for section 27.

11. For section 27 the following section shall be substituted :—

[*Vide supra*, p. 646.]

Amendment of section 29.

12. In section 29 the following amendments shall be made :—

(i) The following shall be substituted for the first eleven words and for clause (*o*) :—

[*Vide supra*, p. 647.]

(ii) In clause (*e*) the word "country" shall be omitted.

(iii) Clauses (*l*), (*m*) and (*n*) shall be re-lettered (*p*), (*q*) and (*r*) respectively and the following clauses shall be inserted after clause (*k*) —

[*Vide supra*, p 648]

13. In section 30 the words ' Collector or " shall be inserted before the ord " magistrate " wherever it occurs and the word " obtained " shall be ubstituted for the words " given by any abkari or police officer or any ther person " Amendment of section 30

14. In section 48 the following shall be added at the end — Amendment of section 48

[*Vide supra*, p 652]

15. In section 55 the following amendments shall be made — Amendment of section 55

(i) The semicolon in clause (*c*) shall be omitted and the following shall be added to that clause —

" the coca plant (*Erythroxylon Coca*), or collects any portion of such plants from which an intoxicating drug can be manufactured, or "

(ii) Clause (*h*) shall be re-lettered (*i*) and the following clause shall be inserted before it —

" (*h*) bottles any liquor for purposes of sale, or "

16. The following section shall be inserted as section 55-A — Additional section 55 A

[*Vide supra*, p 654]

17. In section 56 the words " or being in the employ of such holder and acting on his behalf " shall be inserted immediately after the words " under his Act ", and in clause (*b*) of the same section the words " wilfully does or omits to do anything " shall be substituted for the words " does any act " Amendment of section 56

18. Section 62 shall be omitted Repeal of section 62

19. In section 65 the words " or by means " shall be inserted after the words " in respect " in the first paragraph Amendment of section 65.

20. In section 66 the following proviso shall be added at the end — Amendment of section 66

[*Vide supra*, p 658]

21. In section 67 the words and figures " section 55, 56, 57, 58 or 63" shall be substituted for the words and figures " section 56 or section 63 " Amendment of section 67

22. For section 71 the following section shall be substituted — Sub titution of a revised section for section 71

[*Vide supra*, p 659]

23. The following shall be inserted in the appropriate place in the schedule at the end of the Act — Amendment of schedule

[*Vide supra*, p 660]

MADRAS ACT No. II OF 1913.[1]

[THE MADRAS IRRIGATION CESS (AMENDMENT) ACT, 1913.]

[26th May, 1913; 17th June, 1913.]

An Act to amend the Madras Irrigation Cess Act, 1865.

Preamble. WHEREAS it is expedient further to amend the Madras Irrigation Cess Act, 1865; It is hereby enacted as follows:—

Short title and duration. **1.** This Act may be called the Madras Irrigation Cess (Amendment) Act, 1913, and shall continue in force until the 31st day of December 1916.

Interpretation clause. **2.** In this Act the words "estate," "landholder," "revenue year" and "ryot" mean severally an estate, a landholder, a revenue year and a ryot as defined in the Madras Estates Land Act, 1908.

Amendment of section 1 of Madras Act VII of 1865. **3.** In section 1 of the Madras Irrigation Cess Act, 1865, before the words "to levy" the following words shall be inserted, namely, "before the end of the revenue year succeeding that in which the irrigation takes place."

Insertion of additional section 1-A. **4.** After section 1 of the Madras Irrigation Cess Act, 1865, the following section shall be inserted:—

[*Vide supra*, p. 361.]

Saving of recoveries made from ryot before the commencement of Act. **5.** No sum collected from a ryot as water-cess before the commencement of this Act by the Government or by the landholder shall, as against the Government or the landholder as the case may be, be deemed to have been collected unlawfully merely on the ground that the landholder and not the ryot was liable to Government in respect of such water-cess.

MADRAS ACT No. III OF 1913.[2]

[THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) ACT, 1913.]

[26th May, 1913; 25th June, 1913.]

An Act to amend the Madras District Municipalities Act, 1884, and the Madras Local Boards Act, 1884.

Preamble. WHEREAS it is expedient further to amend the Madras District

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, 1913, Pt. IV, p. 9; for Report of Select Committee, *see ibid*, p. 331; and for Proceedings in Council, *see ibid*, pp. 49, 215, 617, 652.

The assent of the Governor General to this Act was published in the Fort St George Gazette of 1st July, 1913.

[2] For Statement of Objects and Reasons, *see* Fort St. George Gazette, 1913, Pt. IV, p. 7; for Report of Select Committee, *see ibid*, p. 79; and for Proceedings in Council, *see ibid*, pp. 4, 48, 385, 599.

The assent of the Governor General to this Act was published in the Fort St. George Gazette of 8th July, 1913.

unicipalities Act, 1884, and the Madras Local Boards Act, 1884, It is reby enacted as follows —

1. This Act may be called the Madras District Municipalities and Local oards (Amendment) Act, 1913 — Short title

2. (1) In sections 190 and 191 of the Madras District Municipalities Act, 84, the following shall be added at the end of sub-section (*1*) — — Amendment of sections 190 and 191 of Mad Act IV of 1884

[*Vide supra*, pp 502 503]

(2) In sub section (2) of section 190 of the Madras District Municipalities ct, 1884, the words "by the Chairman or Vice-Chairman" shall be inserted ter the word "authorized" and the words "on behalf of the Municipal ouncil" shall be omitted

3. In section 194 of the Madras District Municipalities Act, 1884, the llowing shall be added at the end of sub section (1) — — Amendment of section 194 of Mad Act IV of 1884

[*Vide supra*, p 504]

4. In section 195 of the Madras District Municipalities Act, 1884, after e words "Municipal Council" the words "or if the Municipal Council has rmed out the rents and fees, of the farmer" shall be added — Amendment of section 195 of Mad Act IV of 1884.

5. In section 93 of the Madras Local Boards Act, 1884, the following nendment shall be made — — Amendment of section 93 of Mad. Act V of 1884

(*a*) In sub section (*3*) the word and figure "sub-section (*2*)" shall be substituted for the words "this section"

(*b*) The following shall be added as sub section (*4*) —

[*Vide supra*, p 589]

MADRAS ACT No I of 1914 [1]

[The Hindu Transfers and Bequests Act, 1914]

[*14th February, 1914, 14th March, 1914*]

n Act to declare the rights of Hindus to make transfers and bequests in favour of unborn persons

Whereas it is expedient to declare the rights of persons governed by the Iindu law to make transfers and bequests in favour of unborn persons, It hereby enacted as follows — — Preamble

1. This Act may be called "The Hindu Transfers and Bequest Act, 914" — Short title

---

Application and extent.

2. (*1*) This Act shall apply to all transfers *inter vivos* and wills made by persons governed by the Hindu law who are domiciled within the limits of the Presidency of Madras.

(*2*) In the case of transfers *inter vivos* or wills executed before the date of this Act, the provisions of this Act shall apply to such of the dispositions thereby made as are intended to come into operation at a time which is subsequent to such date: Provided that nothing contained in this section shall affect *boná fide* transferees for valuable consideration in whom the right to any property has vested prior to the date of the Act.

Explanation.—Hindus governed by the Marumakkattayam or the Aliyasantana law shall be deemed to be persons governed by the Hindu law for the purposes of this Act.

Transfers and bequests in favour of unborn persons.

3. A transfer *inter vivos* or disposition by will of any property shall not be invalid by reason only that the transferee or legatee is an unborn person at the date of the transfer or the death of the testator, as the case may be.

Rule against perpetuity in regard to transfers.

4. No transfer of property can operate to create an interest which is to take effect after the lifetime of one or more persons living at the date of the transfer and the minority of some person who shall be in existence at the expiration of that period and to whom, if he attains full age, the interest created is to belong.

Rule against perpetuity in regard to bequests.

5. No bequest is valid whereby the vesting of the thing bequeathed may be delayed beyond the lifetime of one or more persons living at the testator's decease, and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the thing bequeathed is to belong.

MADRAS ACT No. II OF 1914.[1]

[THE MADRAS LAND REVENUE ASSESSMENT (AMENDMENT) ACT, 1914.]

[*6th April, 1914; 22nd April, 1914.*]

An Act to amend the Madras Land Revenue Assessment Act, 1876.

Preamble.

WHEREAS it is expedient that persons other than District Collectors should be authorized to exercise the powers and perform the duties referred to in the Madras Land Revenue Assessment Act, 1876; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Madras Land Revenue Assessment (Amendment) Act, 1914."

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, 1914, Pt. IV, p. 1; for Report of Select Committee, *see ibid*, p. 231; and for Proceedings in Council, *see ibid*, pp. 138, 688.

The assent of the Governor General to this Act was published in the Fort St. George Gazette of 12th May, 1914.

2. The words "Collector of the district" and "Collector" in the Madras Land Revenue Assessment Act, 1876, shall include any officer who may hereafter be empowered by the Governor in Council to exercise the functions of a District Collector in respect of alienated portions of any permanently-settled estate and shall be deemed to have always included any officer who has heretofore exercised such functions — Definition of the term "Collector"

3. Notwithstanding anything in the Indian Limitation Act, 1908, any person aggrieved— — Right of suit regarding acts and orders hereby validated.

(*a*) by the fact of the separate registration between the first day of January 1912 and the commencement of this Act by an officer other than the Collector of the district of any portion of a permanently-settled estate, or

(*b*) by the refusal between the said dates by such officer to register any portion of a permanently-settled estate,

may within 12 months after the commencement of this Act sue in a civil court for a decree that such registration ought not to be made or ought to be made, as the case may be

---

MADRAS ACT No III of 1914 [1]

[The Madras Proprietary Estates' Village service (Amendment) Act, 1914]

[*6th April, 1914, 26th April, 1914*]

An Act to amend the Madras Proprietary Estates' Village-service Act, 1894

Whereas it is expedient to amend the Madras Proprietary Estates' Village-service Act, 1894, It is hereby enacted as follows — — Preamble

1. This Act may be called the Madras Proprietary Estates' Village-service (Amendment) Act, 1914 — Short title

2. In this Act, Chapter, section, sub-section or clause means a Chapter, section, sub-section or clause respectively of the Madras Proprietary Estates' Village-service Act, 1894 — Interpretation clause.

3. Sub-section (3), sections 6, sections 18, 19, 20 21, 22, 23, 24, 25, 26 and 28 are hereby repealed — Repeal

4. At the end of the first paragraph of section 2 shall be inserted the words "and may at any time rescind, revoke, amend or vary any such notification" — Amendment of section 2

5. At the end of the definition of "Proprietor" in section 4 shall be added the following words — — Amendment of section 4.

[*Vide supra*, p 749]

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, 1914, Pt. IV, p. 3, for Report of Select Committee, *see ibid*, p. 5, and for Proceedings in Council, *see ibid*, pp. 32, 417

The assent of the Governor General to this Act was published in the Fort St. George Gazette of 12th May, 1914.

Amendment of section 6.

6. (*1*) In sub-section (*1*) of section 6 the words "in any estate" shall be omitted and for the words "of the estate in which the village or villages is or are situated" shall be substituted the words "or proprietors concerned."

(*2*) In sub-section (*2*) of the same section, for the word "proprietor" shall be substituted the word "proprietors."

Amendment of section 17.

7. At the end of the first paragraph of section 17 for the words "on or after the date fixed in the notification issued under section 19 for the levy of a village-service cess" shall be substituted the words "from such date as the Government may notify."

Validity of enfranchisements made between 1st April, 1912 and the commencement of this Act.

8. Every enfranchisement purporting to have been made under section 17 between the 1st of April, 1912, and the commencement of this Act shall be deemed to have been validly made.

Amendment of section 27.

9. In section 27 for the word and figures "section 19" shall be substituted the words "the provisions of this chapter," and the words "and the payments made along with the permanent assessment shall be credited to the Proprietary Estates' Village-service Fund" at the end of clause (2) shall be omitted.

Amendment of section 29.

10. In section 29 for the word and figures "section 19" shall be substituted the words "the provisions of Chapter III" and the words "from the aforesaid fund of the district in which the estate is situated" shall be omitted.

Amendment of section 30.

11. In section 30 for the word and figures "section 19" shall be substituted the words "the provisions of Chapter III."

Amendment of section 31.

12. In section 31, clause (*c*) shall be omitted.

Amendment of section 32.

13. In section 32, clause (viii) and the words "and cess" in clause (ix) shall be omitted.

Substitution of a new section for section 33.

14. For section 33 shall be substituted the following :—

[*Vide supra*, p. 757.]

MADRAS ACT No. IV OF 1914.[1]

[THE MADRAS MEDICAL REGISTRATION ACT, 1914.]

[*6th April, 1914 ; 27th April 1914.*]

An Act for the Registration of Medical Practitioners.

Preamble.

WHEREAS it is expedient to provide for the registration of medical practitioners in the Presidency of Madras ; It is hereby enacted as follows :—

Short title.

1. (*1*) This Act may be called the Madras Medical Registration Act, 1914.

---

[1] For Statement of Objects and Reasons, *see* Fort St. George, 1913, Pt. IV, p. 699; for Report of Select Committee, *see ibid*, p. 931 ; and for Proceedings in Council, *see ibid*, pp. 370, 786 ; *ibid*, 1914, Pt. IV, pp. 90, 112, 399, 404.

The assent of the Governor General to this Act was published in the Fort St. George Gazette of 12th May, 1914.

(2) It extends to the whole of the Presidency of Madras. Extent.

2. The provisions of section 4 shall come into force on such date as the Governor in Council may notify in this behalf. The rest of this Act shall come into force at once. Commencement of Act.

3. In this Act unless there is something repugnant in the subject or context,— Definitions.

(1) "the British Medical Act" means Statute 21 and 22 Victoria, Chapter 90 (The Medical Act) and any Act amending the same;

(2) "Council" means the Medical Council established by this Act;

(3) "hospitals," "asylums," "infirmaries," "dispensaries," "lying-in hospitals" mean institutions the methods of treatment carried on in which are those which are approved by the Medical Council established by this Act;

(4) "prescribed" means prescribed by rules or by-laws made under this Act;

(5) "registered practitioner" means any person registered under the provisions of this Act.

4. Notwithstanding anything to the contrary in any enactment, rule, by-law or any other provision of law— Privileges of registered practitioners.

(1) No certificate required by law to be given by a medical practitioner or officer shall be valid unless signed by a registered practitioner.

(2) Except with the special sanction of the Governor in Council, no one other than a registered practitioner shall be competent to hold any appointment as physician, surgeon or other medical officer in any hospital, asylum, infirmary, dispensary or lying-in hospital not supported entirely by voluntary contributions or as medical officer of health.

5. (*1*) A Medical Council shall be established for the Presidency of Madras and shall consist of fifteen members including a president and a vice-president to be appointed in the following manner:— Constitution of Medical Council.

(*a*) the president nominated by the Governor in Council;

(*b*) one member elected by the medical faculty of the Senate of the University of Madras;

(*c*) one member elected by the registered practitioners who are registered under the British Medical Act;

(*d*) three members elected by the registered practitioners who are graduates in medicine of the University of Madras;

(*e*) two members elected by all other registered practitioners;

(*f*) seven members nominated by the Governor in Council.

(*2*) The vice-president shall be elected from among the members of the Council in the prescribed manner.

6. No person shall be eligible to be a member of the Council unless he is a registered practitioner. Qualifications of members.

Provided that in the case of first appointments made under this Act the persons electing the members under clauses (*c*), (*d*) and (*e*) of sub-section (*1*) of section 5 and the members appointed shall be persons who are qualified to be registered under clauses (*a*) and (*b*) of section 13.

Tenure of office of members.

7. The members of the Council shall hold office for a term of five years and shall be eligible for re-appointment.

Cessation of membership.

8. A member of the Council shall be deemed to have vacated his seat—

(1) on sending his resignation in writing to the president or registrar;

(2) on his absence without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council;

(3) on his absence out of India for six consecutive months;

(4) on removal of his name from the register;

(5) on his being declared an insolvent by any competent court;

(6) on expiry of the term mentioned in section 7.

Filling up of vacancies.

9. When the seat of any member becomes vacant, the vacancy shall be filled up by election or nomination, as the case may be, in accordance with the provisions of section 5.

Registrar and other officers.

10. (*1*) The Council shall appoint a registrar who shall act as secretary of the Council and who shall also act as treasurer, unless the Council shall appoint another person as treasurer. Every person so appointed shall be removeable at the pleasure of the Council.

(*2*) The Council may also employ such other persons as it may deem necessar[illegible] the purposes of this Act.

(*3*) [illegible] ons appo[illegible] or employed under this section shall be deemed to be [illegible] ants [illegible] e meaning of section 21 of the Indian Penal Code.

Medical register.

11. [illegible] th [illegible] the registrar to keep a register of medical practit[illegible] t [illegible] to revise the register and publish it in the pr[illegible] r shall [illegible] eemed to be a public decum[illegible] dian [illegible] Act, 1872, and may be proved [illegible] t. G[illegible] e.

12. [illegible] business shall be transacted a[illegible] members are present. All [illegible] il shall be decided in ccord[illegible] ers present and voting the [illegible] the member presiding

[illegible] son who—

[illegible] Medical Act; or

[illegible] in the Schedule

[illegible] istrar proof of such

[illegible] practises or intends

[illegible] e:

Provided that the Governor in Council may, after consulting the Council, permit the registration of any person who shall furnish to the registrar proof that he is possessed of a medical degree, diploma or certificate of any University, medical college or school approved by the Council, other than those described in the Schedule

Provided further that the Council may refuse to permit the registration of any person who has been convicted of any such offence as implies in the opinion of the Council a defect of character or who, after an inquiry at which opportunity has been given to the candidate to be heard in person or by pleader, has been held by the Council to have been guilty of infamous conduct in any professional respect

Registration fee

14. Every person who applies to be registered under this Act shall pay a registration fee of fifteen rupees

Every registered practitioner who applies to the registrar for registration in respect of any additional qualification obtained subsequent to registration under this Act shall pay a fee of five rupees

Appeal against the decision of registrar

15. An appeal shall lie to the Council against any order of the registrar under section 13 or section 14 The said appeal shall be preferred within three months from the date of the order appealed against

Alteration of register by Council

16. (*1*) The Council may, if it sees fit, and after giving due notice to the person concerned and inquiring into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Council to have been fraudulently or incorrectly made or brought about be cancelled or amended

(*2*) The Council may direct the removal altogether or for a specified period from the register of the name of any registered practitioner for the same reasons for which registration may be refused by the Council under section 13 and the second proviso thereto shall apply to any inquiry under this section *The Council may also direct that any name so removed shall be restored.*

Procedure in inquiries and appeals.

17. (*1*) An inquiry under section 13 or section 16 may be held by a committee consisting of three members of the Council elected for the purpose by the Council The Council or the committee, as the case may be, may at its discretion hold such inquiry in camera The decision of the committee shall be deemed to be the decision of the Council

(*2*) For the purpose of any such inquiry or of any appeal under section 15, the Council or any committee thereof elected as aforesaid shall be deemed to be a court within the meaning of the Indian Evidence Act, 1872, and shall exercise all the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850, and such inquiries and appeals shall be conducted, as far as may be, in accordance with the provisions of section 5 and sections 8 to 20 of the said Public Servants (Inquiries) Act, 1850

Appeal against the decision of Council.

18. An appeal shall lie to the Governor in Council against every decision of the Council under section 13 or section 16 Such appeal shall be preferred within three months from the date of the Council's decision

Limiting of jurisdiction of civil courts. **19.** No act done in the exercise of any power conferred by this Act on the Governor in Council or the Council or the registrar shall be questioned in any civil court.

Power of Local Government to alter schedule. **20.** It shall be lawful for the Governor in Council by notification in the *Fort St. George Gazette* to alter the schedule.

Provided that no medical degree, diploma or certificate granted in any British Colony or foreign country which does not recognize the medical degrees, diplomas or certificates of a British Indian Government or University shall be included in the Schedule:

Power of Council to call for information regarding efficiency of teaching and attend examinations. **21.** The Council shall have power to call on the governing body or authorities of any University, medical college or school included in or desirous of being included in the Schedule,—

(*a*) to furnish such reports, returns or other information as the Council may require to enable it to judge of the efficiency of the instruction given therein in medicine and surgery and midwifery; and

(*b*) to provide facilities to enable any member of the Council deputed by the Council in this behalf to be present at the examinations held by such University, college or school.

If the said body or authorities refuse to comply with any such demand, the Governor in Council may upon report by the Council remove such University, college or school from the Schedule or refuse to include it in the Schedule.

Control by Local Government. **22.** If at any time it shall appear to the Governor in Council that the Council has neglected to exercise or has exceeded or abused any power conferred upon it under this Act or has neglected to perform any duty imposed upon it by this Act, the Governor in Council may notify the particulars of such neglect, excess or abuse to the Council; and, if the Council fails to remedy such neglect, excess or abuse within such time as may be fixed by the Governor in Council in this behalf, the Governor in Council may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the Council to be exercised and performed by such agency and for such period as the Governor in Council may think fit.

Penalty for falsely pretending to be a registered practitioner. **23.** Every person who falsely pretends to be a registered practitioner shall, whether any person is actually deceived by such pretence or not, be liable to be punished on conviction by a Presidency Magistrate or a magistrate of the first class with fine that may extend to three hundred rupees.

Power to make rules and by-laws. **24.** (*1*) The Governor in Council may after previous publication make rules for the purpose of carrying out the provisions of this Act.

In particular and without prejudice to the generality of the foregoing provision, the Governor in Council may make rules,—

(i) for the election of members to the Council under sections 5 and 6;

(ii) for the election of the vice-president of the Council;

(iii) to regulate the procedure at an inquiry held under section 13 or section 16;

(iv) for the institution, hearing and disposal of appeals under section 15 or section 18;

(v) for the compilation and publication of the register;

(vi) for the disposal of fees received under this Act.

(2) The Council may, with the previous sanction of the Governor in Council, make by-laws,—

(i) for the convening of meetings of the Council;

(ii) for the conduct of business at such meetings;

(iii) for the appointment, control, pay and allowances of the establishment employed under section 10.

THE SCHEDULE.

(1) The degree of Doctor, Bachelor and Licentiate of Medicine, and Master, Bachelor and Licentiate of Surgery of the University of Madras, Bombay, Calcutta, Allahabad and Lahore.

(2) A diploma or certificate granted by a British Indian Government of the Government of Ceylon to any person trained in a medical college or school declaring him to be qualified to practise medicine, surgery and midwifery.

MADRAS ACT No. V OF 1914.[1]

[THE CANALS AND PUBLIC FERRIES (AMENDMENT) ACT, 1914.]

[21st June, 1914; 14th July, 1914.]

An Act to amend the Canals and Public Ferries Act, 1890.

WHEREAS it is expedient to amend the Canals and Public Ferries Act, 1890; It is hereby enacted as follows:— *Preamble.* II

1. This Act shall be called the Canals and Public Ferries (Amendment) Act, 1914. *Short title.*

2. The following proviso shall be added to section 5 of the Canals and Public Ferries Act, 1890:— *Power of Local Government to exempt vessels from obligation to be licensed or registered.* II

"Provided that the Governor in Council may exempt from the operation of this section all or any vessels or classes of vessels using a canal or portion of a canal."

---

[1] [illegible]

MADRAS ACT No. VI of 1914.[1]

[THE TIRUPATI DEVASTHANAM SCHOOLS ACT, 1914.]

[*14th December, 1914; 31st December, 1914.*]

Preamble. WHEREAS doubts have been entertained as regards the legality of using the funds of the Tirupati and Tirumalai Devasthanams for the maintenance of the schools in the schedule hereto; It is hereby enacted as follows:—

Short title. **1.** This Act may be called the Tirupati Devasthanam Schools Act, 1914.

Scheduled schools maintainable from Devasthanam funds. **2.** It shall be lawful for the Vicharanakarta or Trustee for the time being of the Tirumalai and Tirupati Devasthanams to maintain the schools in the Schedule from out of the funds of the said Devasthanams.

Validation of past expenditure. **3.** The expenses incurred hitherto from the funds of the said Tirupati and Tirumalai Devasthanams in building and maintaining the schools in the Schedule shall be deemed to have been properly incurred in the administration of the Devasthanams.

SCHEDULE.

(1) Devasthanam Hindu High School, Tirupati.
(2) Sri Mahant Devasthanam Hindu High School, Vellore.
(3) Sri Venkateswara Vidya Sala, Tirupati.

MADRAS ACT No. VII of 1914.[2]

[THE MADRAS DEPUTY COLLECTORS ACT, 1914.]

[*14th December, 1914; 6th January, 1915.*]

An Act to amend the Madras Uncovenanted Officers Act, 1857.

Preamble. WHEREAS it is necessary to define more clearly the powers of Deputy Collectors appointed under the Madras Uncovenanted Officers Act, 1857; It is hereby enacted as follows:— VII

Short title. **1.** (1) This Act may be called the Madras Deputy Collectors Act, 1914.

Extent. (2) It extends to the whole of the Presidency of Madras.

---

[1] For Statement of Objects and Reasons, *see* Fort St. George Gazette, 1914, Pt. IV, p. 9; and for Proceedings in Council, *see ibid*, pp. 68, 1053.

The assent of the Governor General to this Act was published in the Fort St. George Gazette of 12th January, 1915.

[2] For Statement of Objects and Reasons, *see* Fort St. George Gazette, 1914, Pt. IV, p. 949; and for Proceedings in Council, *see ibid*, pp. 1047, 1165.

The assent of the Governor General to this Act was published in the Fort St. George Gazette of 12th January, 1915.

57 **2.** Section 3 of the Madras Uncovenanted Officers Act, 1857, is hereby repealed Repeal.

3. Subject to the control of the Governor in Council, a Deputy Collector appointed under the Madras Uncovenanted Officers Act, 1857, may be placed by the District Collector in charge of a particular division of the district to which the Deputy Collector has been appointed Placing Deputy Collectors in charge of divisions of districts

4. The expressions "Subordinate Collector" and "Assistant Collector" in section 3 of Madras Regulation VII of 1828 shall include and be deemed always to have included a Deputy Collector appointed under the Madras Uncovenanted Officers Act, 1857 Deputy Collectors to have all the power of Subordinate and Assistant Collectors.

MADRAS ACT No VIII of 1914 [1]

[The Madras Decentralization Act, 1914]

[14th December, 1914 , 15th January, 1915]

An Act to facilitate the administration of certain enactments.

Whereas it is expedient to facilitate the administration of certain enactments, It is hereby enacted as follows — Preamble

1. This Act may be called the Madras Decentralization Act, 1914 Short title

2. The enactments specified in the third column of the Schedule are hereby amended to the extent and in the manner specified in the fourth column thereof Amendment of certain enactments.

3. Any appointment, notification, order, scheme, rule, form or by-law made or issued by an authority for the making or issuing of which a new authority is substituted by or under this Act shall, unless inconsistent with this Act, be deemed to have been made or issued by such new authority unless and until superseded by an appointment, notification, order, scheme, rule, form or by law made or issued by such new authority Saving of orders, etc, issued by previous authorities.

---

[1] For Statement of Objects and Reasons, *see* Fort. St. George Gazette, 1914, Pt. IV, p. £00, and for Proceedings in Council *see ibid*, pp. 807, 1012

The assent of the Governor General to this Act was published in the Fort. St. George Gazette of 26th January 1915

THE SCHEDULE.

Year.	Number.	Short title.	Amendments.
1817	VII	The Madras Endowments and Escheats Regulation, 1817.	(1) In section 3 *omit* the words "with the sanction of Government." (2) *Add the* following as section 17 :— "17. Notwithstanding anything hereinbefore contained, the Governor in Council may delegate power to dispose of buildings under section 4 or of escheats under section 6 to the Board of Revenue or to any officer not below the rank of an officer in charge of the revenue administration of a division of a district."
1864	II	The Madras Revenue Recovery Act, 1864.	(1) *Delete* section 46. (2) At the end of section 57 *add* the following paragraph :— "A Collector may delegate all or any of his powers and duties under this section to any subordinate revenue officer not below the rank of a Deputy Tahsildar."
1865	VII	The Madras Irrigation Cess Act, 1865.	In section 1 (*b*) *for* the words "in the opinion of the Collector, subject to the control of the Board of Revenue and of the Government" *substitute* "in the opinion of the revenue officer empowered to charge water-cess, subject to the control of the Collector, the Board of Revenue and the Government."
1866	II	The Madras Cattle-disease Act, 1866.	In section 1 after the words "Governor in Council" *add* "or subject to his control the Board of Revenue."
1876	I	The Madras Land Revenue Assessment Act, 1876.	*Section* 2.—*Omit* the words "subject to the sanction laid down in section 46 of that Act."
1882	V	The Madras Forest Act, 1882.	(1) In section 7 *for* "Governor in Council *read* "Board of Revenue." (2) In the proviso to section 18 *for* "Governor in Council" *read* "Board of Revenue." (3) In section 24 *for* "with the previous sanction of the Governor General in Council" *read* "subject to the control of the Governor General in Council."
1884	IV	The Madras District Municipalities Act, 1884.	In section 26 (2) *for* "But it shall be competent to the said Board with the written consent of the Governor in Council and of the Municipal Council," *read* "But, subject to the control of the Governor in Council, it shall be competent to the said Board with the written consent of the Municipal Council."

SCHEDULE—contd

Year	Number	Short title	Amendments
1884	V	The Madras Local Boards Act, 1884.	In section 51 (2) *for* "But it shall be competent to the Board of Revenue with the written consent of the Governor in Council and of the Local Board concerned," *substitute* "But, subject to the control of the Governor in Council, it shall be competent to the Board of Revenue with the written consent of the Local Board concerned"
1885	III	The Madras Outposts Landing and Shipping Fees Act, 1885	*Omit* the proviso at the end of section 4
1889	IV	The Madras Salt Act, 1889	(1) In section 3 (i) 38 and 39 *for* "the Governor in Council" *read* "the Commissioner" and in sections 11 and 22 *for* "the Governor in Council" *read* 'he" (2) *For* the first two lines of section 43 *substitute* 'Subject to any rules which may be made by the Governor in Council under section 85 and the Commissioner under section 85 A no salt shall be removed" (3) In section 85 *omit* clauses (*b*), (*c*) (*e*) and (*g*) and re number the remaining clauses as (*a*) to (*e*) (4) *Substitute* the following *for* clause (*a*) of section 85 — "The grant of licenses and permits and the particulars and conditions to be contained therein except licenses under Chapter IV " (5) After section 85 *insert* a new section, namely,— "85 A. Subject to the control of the Governor in Council, the Commissioner may from time to time make rules consistent with this Act for regulating the following matters, namely,— (*a*) the registry and acceptance of transfers and relinquishments licenses, (*b*) the manufacture, storage, sale and removal of salt or saltpetre in and from salt factories, (*c*) the manufacture and refinement of salt petre, and (*d*) the routes by which salt shall be taken to a preventive station.

SCHEDULE—contd.

Year.	Number.	Short title.	Amendments.
			(6) *For* the words " of any rules framed by the Governor in Council under clauses (c), (e) and (g) of section 85 " occurring in section 75, *substitute* " of any rules framed by the Commissioner under clauses (b),(c) and (d) of section 85 (a)."
1890	II	The Canals and Public Ferries Act, 1890.	*Add* the following as a new section 21 :— " 21. The Governor in Council may delegate all or any of his powers under sections 5, 10, 11, 12, 13 and 15 to any officer not below the rank of District Collector or Superintending Engineer."
1897	IV	The Madras Survey and Boundaries Act, 1897.	(1) *Add* the following as sub-section (2) to sections 5 and 17 :— " (2) The Local Government may delegate its powers under this section to the Board of Revenue." (2) *Section* 23 (2).—*For* sub-section 23 (2), *substitute* the following :— " 23. (2) An officer to whom any dispute is referred for disposal by the District Collector under sub-section (1) may either dispose of it himself or refer it for disposal to any officer subordinate to himself, not being below the rank of Deputy Tahsildar, and every officer to whom a dispute is referred for disposal as aforesaid shall be a survey officer for the purposes of this Act." (3) In section 24 (4) *for* " an officer " *read* " a survey officer " and *for* " submitted to the Collector who " *read* " submitted to the District Collector or Collector by whom the dispute was referred to him for disposal under sub-section (1) or (2), as the case may be, of section 23 and such District Collector or Collector."
1905	III	The Madras Land Encroachment Act, 1905.	(1) *Sections* 3 *and* 5.—After the word " Collector " *add* the words " or subject to his control, the Tahsildar or Deputy Tahsildar." (2) *Section* 4.—*Delete* the word " Collector's." (3) *Section* 7.—After the word " Collector " *add* the words " or Tahsildar or Deputy Tahsildar as the case may be."

SCHEDULE—concld.

Year.	Number.	Short title	Amendments.
			(4) *Section* 10.—*For* the existing section, *substitute*— "10 (*1*) An appeal shall lie (*a*) to the Collector from any decision or order passed by a Tahsildar or Deputy Tahsildar under this Act, and (*b*) to the District Collector from any decision or order of a Collector passed otherwise than on appeal, and (*c*) to the Board of Revenue from any decision or order of a District Collector passed otherwise than on appeal. There shall be no appeal against a decision or order passed by the Collector or the District Collector on appeal, *but the District Collector may* revise any decision or order passed by a Deputy Tahsildar, Tahsildar or Collector under this Act, and the Board of Revenue or the Local Government may revise any decision or order passed by any officer under this Act. "(*2*) Pending the disposal of any appeal or petition for revision under this Act, the Collector, the District Collector, the Board of Revenue or the Local Government, as the case may be, may suspend the execution of the order appealed against or sought to be revised."

APPENDIX.

I.—ENACTMENTS DECLARED IN FORCE IN, OR EXTENDED BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874 (XIV OF 1874), TO, THE SCHEDULED DISTRICTS IN THE MADRAS PRESIDENCY

The following is a list of the Scheduled Districts in the Madras Presidency (*see* Part I of first Schedule of Act XIV of 1874, printed, General Acts, Volume II) —

I.—In Ganjam.[1]

(1) The Gumsur Maliahs, including Chokapad.
(2) The Surada Maliahs.
(3) The Chinna Kimedi Maliahs.
(4) The Pedda Kimedi Maliahs.
(5) The Bodaguda Maliahs
(6) The Surangi Maliahs.
(7) The Parla Kimedi Maliahs.
(8) The Muttas of Korada and Ronaba (otherwise called Srikarma).
[(9) *The Chighatti Maliah.*] *Rep. by the Repealing and Amending Act, 1891 (XII of 1891).*
(10) The Jurada Maliah.
(11) The Jalantra Maliah.
(12) The Mandasa Maliah.
(13) The Budarasingh Maliah.
(14) The Kuttingia Maliah.

II.—In Vizagapatam.[1]

(1) The Jeypur Zamîndârî
(2) Golconda Hills, west of the River Boderu.[2]
(3) The Madugol Maliahs.
(4) The Kasipur Zamîndârî.
(5) The Panchipenta Maliahs.
(6) The Mondemkolla, in the Merangi Zamîndârî.
[[3](7) The Konda Mutta of Merangi]
(8) The Gumma and Konda Muttas of Kurpam.
(9) The Kottam, Ram and Konda Muttas of Palkonda

---

[1] As to tracts in this district in which the operation of the ordinary rules as to the administration of civil and criminal justice, as well as rules for the collection of revenue, were barred, *see* Act XXIV of 1839, *supra*.

[2] The Ducharti and Guditeru Muttas in the Golconda Hills have been transferred from the Vizagapatam to the Godâvari District, *see* Fort St. George Gazette, 5th July, 1881, Pt. I, p 336.

[3] This clause was substituted for the original cl (7) by the Repealing and Amending Act 1891 (XII of 1891). That clause ran as follows :—
"(7) The Konda Mutta of Belgam."

III.—In the Godavari District.

[1](1) The Bhadrachalam Taluq.
[1](2) The Rakapilli Taluq.
(3) The Rampa Country.
[2](4) The unsettled Government villages in the Yernagudem Taluq.
[2](5) The villages of the ex-Mansab of Jadenji.
[2](6) The following petty proprietary estates:—

Bayanagudem.
Billamilli.
Jangamreddigudem.
Gutala.
Gangolu.
Patteshim.
Polavaram.
Petta.
Dandengi.
Viravaram.
Devipatnam.

[3][(7) The Ducharti and Gudeteru Muttas in the Golconda Hills.]
[4][(8) The villages in the Godávari District to which s. 1 of 33 Vict., cap 3, was applied.]
[5][The taluq of Nugur, Albaka and Cherla.]

IV.—In the Indian Ocean.

[6] The Laccadive Islands, including Minicoy.

[The Scheduled Districts Act, 1874 (XIV of 1874), was brought into force in the Scheduled Districts in Madras, by the following notifications]:—

Dated 20th June, 1879.—In exercise of the power conferred by section 3 of Act XIV of 1874 (the Scheduled Districts Act), the Governor of Madras in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the said Act is in force in the taluqs of Bhadrachalam and Rakapilli and the Rampa Country in the Godávari District.

[*See* Fort St. George Gazette, 1st July, 1879. Pt. I. p. 462.]

No. 82, dated the 19th February, 1889.—In exercise of the powers conferred by section 3 of the Scheduled Districts Act, 1874 (XIV of 1874), the Governor of Fort St. George in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the Act is in force in all the Scheduled Districts of Madras in which it has not already been declared in force.

[*See* Gazette of India, 1889, Pt. I, p. 151, and Fort St. George Gazette, 1889, Pt. I, p. 121.]

---

[1] The Bhadrachalam and Rakapillai taluqs now form one taluq styled the Bhadrachalam taluq to which the Government of India Act, 1870 (33 Vict., c. 3), has been applied—*see* Notification No. 546, dated the 15th April, 1909, Gazette of India, 1909, Pt. I, p. 278.

[2] The Government of India Act, 1870 (33 Vict., c. 3), has been declared to be applicable to these tracts; *see* Notification No. 912J., dated 25th June, 1883, Gazette of India, 1883, Pt. I, p. 265.

[3] Transferred from the Vizagapatam to the Godávari Districts; *see* second footnote on preceding page.

[4] *See* Gazette of India, 1891, Pt. I, p. 248.

[5] The Government of India Act, 1870, has been applied (*see* the Notification No. 546, dated 15th April, 1909) to these taluqs which at the time were included in the Central Provinces but have since been transferred to the Presidency of Madras; *see* Notification No. 545, dated 15th April, 1909, Gazette of India, 1909, Pt. I, p. 277.

[6] The Government of India Act, 1870 (33 Vict., c. 3), has been applied to these Islands; *see* Notification No. 10, dated the 1st February, 1912, Gazette of India, 1912, Extraordinary, 1st February, 1912; the Scheduled Districts Act, 1874 (XIV of 1874), is in force in these islands; *see* Regulation I of 1912, s. 3, *ante*.

No 1604, dated the 11th August, 1893—In exercise of the powers conferred by section 3 of the Scheduled Districts Act (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St George in Council is pleased to declare that the said Act is in force in the villages[1] in the Godávari District to which, by Resolution of the Secretary of State for India in Council, dated the 4th April, 1891, the provisions of section 1 of the Statute 33 Vict, cap 3, were made applicable

[*See* Gazette of India, 1893, Pt I, p 516]

[1] For list of these villages, *see* Nos 4, 5 and 6 in the list of Scheduled Districts under Division III, *supra*

III.—In the Godavari District.

[1](1) The Bhadrachalam Taluq.
[1](2) The Rakapilli Taluq.
(3) The Rampa Country.
[2](4) The unsettled Government villages in the Yernagudem Taluq.
[2](5) The villages of the ex-Mansab of Jadenji.
[2](6) The following petty proprietary estates:—

Bayanagudem.	Patteshim.
Billamilli.	Polavaram.
Jangamreddigudem.	Petta.
Gutala.	Dandengi.
Gangolu.	Viravaram.

Devipatnam.

[3][(7) The Ducharti and Gudeteru Muttas in the Golconda Hills.]
[4][(8) The villages in the Godávari District to which s. 1 of 33 Vict., cap 3, was applied.]
[5][The taluq of Nugur, Albaka and Cherla.]

IV.—In the Indian Ocean.

[6] The Laccadive Islands, including Minicoy.

[The Scheduled Districts Act, 1874 (XIV of 1874), was brought into force in the Scheduled Districts in Madras, by the following notifications]:—

Dated 20th June, 1879.—In exercise of the power conferred by section 3 of Act XIV of 1874 (the Scheduled Districts Act), the Governor of Madras in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the said Act is in force in the taluqs of Bhadrachalam and Rakapilli and the Rampa Country in the Godávari District.

[*See* Fort St. George Gazette, 1st July, 1879, Pt. I, p. 462.]

No. 82, dated the 19th February, 1889.—In exercise of the powers conferred by section 3 of the Scheduled Districts Act, 1874 (XIV of 1874), the Governor of Fort St. George in Council is pleased, with the previous sanction of the Governor General in Council, to declare that the Act is in force in all the Scheduled Districts of Madras in which it has not already been declared in force.

[*See* Gazette of India, 1889, Pt. I, p. 151, and Fort St. George Gazette, 1889, Pt. I, p. 121.]

---

[1] The Bhadrachalam and Rakapillai taluqs now form one taluq styled the Bhadrachalam taluq to which the Government of India Act, 1870 (33 Vict., c. 3), has been applied—*see* Notification No. 546, dated the 15th April, 1909, Gazette of India, 1909, Pt. I, p. 278.

[2] The Government of India Act, 1870 (33 Vict., c. 3), has been declared to be applicable to these tracts; *see* Notification No. 912J., dated 25th June, 1883, Gazette of India, 1883, Pt. I, p. 265.

[3] Transferred from the Vizagapatam to the Godávari Districts; *see* second footnote on preceding page.

[4] *See* Gazette of India, 1891, Pt. I, p. 248.

[5] The Government of India Act, 1870, has been applied (*see* the Notification No. 546, dated 15th April, 1909) to these taluqs which at the time were included in the Central Provinces but have since been transferred to the Presidency of Mádras; *see* Notification No. 545, dated 15th April, 1909, Gazette of India, 1909, Pt. I, p. 277.

[6] The Government of India Act, 1870 (33 Vict., c. 3), has been applied to these Islands; *see* Notification No. 10, dated the 1st February, 1912, Gazette of India, 1912, Extraordinary, 1st February, 1912; the Scheduled Districts Act, 1874 (XIV of 1874), is in force in these islands; *see* Regulation I of 1912, s. 3, *ante*.

No 1604, dated the 11th August, 1893—In exercise of the powers conferred by section 3 of the Scheduled Districts Act (XIV of 1874) and with the previous sanction of the Governor General in Council the Governor of Fort St George in Council is pleased to declare that the said Act is in force in the villages[1] in the Godávari District to which, by Resolution of the Secretary of State for India in Council, dated the 4th April, 1891, the provisions of section 1 of the Statute 33 Vict, cap 3, were made applicable

[*See* Gazette of India, 1893, Pt I, p 516]

---

[1] For list of these villages, *see* Nos 4 5 and 6 in the list of Scheduled Districts under Division III, *supra*

1.—Enactments declared in force in, or extended by notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
			1.—Madras Regulations.		
1802	III	The Madras *Administration of* Estates Regulation, 1802.	The Rampa Country . .	The whole Regulation	*No. 1151, dated 3rd October, 1879.*—In exercise of the power conferred by section 3 of the Scheduled Districts Act, 1874, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to declare that so much of each enactment mentioned in Schedules 1 and 2 hereto annexed, as is in force in those parts of the Presidency of Fort St. George which are not included in any Scheduled District is in force likewise in the portions of the Godávari District mentioned in the *third* column of the said schedules. 2. Nothing herein contained shall be deemed to affect the operation of any enactment in force in the above portions of the Godávari District and not mentioned in the said schedules :— (Here follow the schedules, containing, among other enactments, Madras Regulation III of 1802.) [*See* Gazette of India, 1879, Pt. I, p. 630 and Fort St. George Gazette, 1879, p. 723

	„	Ditto	*Taluqs of* Bhadrachalam and Rakapilli.	Ditto	*No 1150, dated 3rd October, 1879* —In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, the Governor in *Council* is pleased, with the previous sanction of the Governor General in *Council, to extend so much of* each enactment mentioned in Schedules I and II hereto annexed, as is in force in *those parts* of the Presidency of Fort St George which are not included in any Scheduled District, *to* those portions of the Godávari District mentioned in the third column of the said Schedules — (Here follow the schedules containing, among other enactments, Madras Regulation III of 1802) [*See* Gazette of India, 1879, Pt I p 630, and Fort St George Gazette, 1879, Pt I, p 722]
„	XIX	The Indian Civil Service (Madras) Loans Prohibition Regulation, 1802	Scheduled Districts in Ganjam and Vizagapatam	Ditto	*See Notification No 285, dated 4th July, 1898, infra*
„	XXV	The Madras Permanent Settlement Regulation, 1802	Ditto	Ditto	*Ditto*
„	XXVI	*The* Madras Land Registration Regulation, 1802	Scheduled Districts in Vizagapatam	Ditto	*See Notification No 286, dated 4th July, 1898, infra*
1804	V	The Madras Court of Wards Regulation, 1804	*Taluqs of* Bhadrachalam and Rakapilli and the Rampa *Country*	Ditto	*See Notifications Nos 1150 and 1151, dated 3rd October, 1879, respectively, supra.*
1806	II	Collectors and Karnams.	Ditto	Ditto	*Ditto*

1.—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
			1.—Madras Regulations—contd.		
1808	VII	The Madras State Offences Regulation, 1808.	Scheduled Districts in Ganjam and Vizagapatam.	The whole Regulation	*See Notification No. 285, dated 4th July, 1898, infra.*
1816	V	The Madras Village Pancháyats Regulation, 1816.	The Rampa Country and the Taluqs of Bhadrachalam and Rakapilli.	Ditto . .	*See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, printed, supra.*
"	XI	The Madras Village-police Regulation, 1816.	Ditto	Ditto . .	*Ditto.*
"	XII	The Madras Village-lands Dispute Regulation, 1816.	Ditto	Ditto . .	*Ditto.*
'817	VII	The Madras Endowments and Escheats Regulation, 1817.	Ditto	Ditto . .	*Ditto.*
1819	II	The Madras State Prisoners Regulation, 1819.	Scheduled Districts in Ganjam and Vizagapatam, the Rampa Country, and the Taluqs of Bhadrachalam and Rakapilli	Ditto . .	*See Notification No. 285, dated 4th July, 1898, infra; Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, printed, supra.*

1821	IV	The Madras Village-police Regulation, 1821.	The Rampa Country and the Taluqs of Bhadrachalam and Rakapilli.	Ditto . .	*See Notifications Nos 1150 and 1151, dated 3rd October, 1879, respectively, printed, supra.*
1822	IV	The Madras Permanent Settlement (Interpretation) Regulation, 1822.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto . .	*See Notification No. 285, dated 4th July, 1898, infra.*
"	VII	The Madras Native Public Officers Regulation, 1822.	Ditto	Ditto . .	*Ditto.*
"	IX	The Madras Revenue Malversation Regulation, 1822.	Ditto . . .	Ditto . .	*Ditto*
1828	VII	The Madras Subordinate Collectors and Revenue Malversation (Amendment) Regulation, 1828.	*Ditto* . .	The whole except section 6	*Ditto.*
			The Rampa Country and the Taluqs of Bhadrachalam and Rakapilli.	The whole Regulation	*See Notifications Nos 1150 and 1151, dated 3rd October, 1879, respectively, printed, supra*
1829	V	The Madras Hindu Wills Regulation, 1829.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto .	*See Notification No. 285, dated 4th July, 1898, infra*
1830	I	The Madras Sati Regulation, 1830.	*Ditto*	Ditto . .	*Ditto*
1831	V	The Madras Stamp Penalties Regulation, 1831	Ditto	Ditto . .	*Ditto.*
[1] "	VI	The Madras Hereditary Offices Regulation, 1831.	The Rampa Country and the Taluqs of Bhadrachalam and Rakapilli.	Ditto . .	*See Notifications Nos 1150 and 1151, dated 3rd October, 1879, respectively, printed, supra.*

[1] Madras Regulation VI of 1831 has been declared under s 3 (*b*) of the Scheduled Districts Act, 1874 (XIV of 1874), not to be in force in the Muttas of Guditeru and Duchartı in the Godávary Agency Tracts, *see* Gazette of India, 1908, Pt. I, p 667.

I.—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
			1.—Madras Regulations—concld.		
1831	X	The Madras Sale of Minors' Estates Regulation, 1831.	The Rampa Country and the Taluqs of Bhadrachalam and Rakapilli.	The whole Regulation	*See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, printed, supra.*
1832	III	The Madras Revenue Malversation (Amendment) Regulation, 1832.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto	*See Notification No. 285, dated 4th July, 1898, infra.*
			2.—Acts of the Governor General in Council.		
1837	IV	The Property in Land Act, 1837.	Scheduled Districts in Ganjam and Vizagapatam.	The whole Act	*No. 285, dated the 4th July, 1898.*—In exercise of the powers conferred by section 3, clause (*a*), of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to declare that the enactments specified in the list hereto annexed are in force in the Scheduled Districts in Ganjam and Vizagapatam. [Here follows the list.] [*See* Gazette of India, 1898, Pt. I, p. 869, and Fort St. George Gazette, 1898, Pt. I, p. 666.]

,	XXXVI	The Madras Public Property Malversation Act, 1837	Ditto	Ditto	*See Notification No 285, dated 4th July, 1898, supra*
1838	XXV	The Wills Act, 1838	Ditto	Ditto	*Ditto*
1839	VII	The Madras Rent and Revenue Sales Act, 1839	Ditto	Ditto	*No 289, dated the 4th July, 1898*—In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874) and with the previous sanction of the Governor General in Council, the Governor of Fort St George in Council is pleased to extend to the Scheduled Districts in Ganjam and Vizagapatam, the enactments specified in the list hereto annexed. [Here follows the list, containing, among others, Act VII of 1839] [*See* Gazette of India, 1898, Pt I, p 872, and Fort St George Gazette, 1898, Pt I, p 667]
"	XXIX	The Dower Act, 1839	Ditto	Ditto	*See Notification No. 285, dated 4th July, 1898 supra*
"	XXX	The Inheritance Act, 1839	Ditto	Ditto	*Ditto*
"	XXXII	The Interest Act, 1839	Ditto	Ditto	*Ditto.*
1841	XIX	The Succession (Property Protection) Act, 1841	The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country	Ditto	*Notification No. 1151 dated 3rd October, 1879, supra*
"	XXIV	The Illusory Appointments and Infants Property Act, 1841	The Scheduled Districts in Ganjam and Vizagapatam	Ditto	*See Notification No 285, dated 4th July, 1898, supra*
1843	V	The Indian Slavery Act, 1843.	Ditto	Ditto	*Ditto*

I.—*Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency*—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
		2.—Acts of the Governor General in Council—contd.			
1847	XX	*The Indian Copyright Act, 1847.*	*The Scheduled Districts in Ganjam and Vizagapatam.*	*The whole Act* .	*See Notification No. 285, dated 4th July, 1898, supra.*
1850	XII	The Public Accountant's Defaults Act, 1850.	Ditto	Ditto . .	*Ditto.*
"	XVIII	The Judicial Officers' Protection Act, 1850.	The Scheduled Districts in Ganjam and Vizagapatam, and the Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.	Ditto . .	*See Notification No. 285, dated 4th July, 1898, supra, and No. 1151, dated October, 1879, supra.*
"	XIX	The Apprentices Act, 1850.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto . .	*See Notification No. 285, dated 4th July, 1898, supra.*
"	XXI	The Caste Disabilities Removal Act, 1850.	Ditto	Ditto . .	*Ditto.*
"	XXXIV	The State Prisoners Act, 1850.	(1) the Scheduled Districts in Ganjam; (2) the Scheduled Districts in Vizagapatam;	Ditto . .	*No. 268, dated 9th July, 1889.*—In exercise of the powers conferred by section 3 of the Scheduled Districts Act, 1874, the Governor in Council is pleased, with the

		(3) the following parts of the Godavari District, namely — (a) the Duchartı and Guditeru Muttas, (b) the unsettled Government villages in the Yernagudem Taluq, (c) the villages of the ex Mansab of Jadengi, (d) the petty proprietary estates of Bayanagudem Gutala, Gangolu, Pateshim, Palavaram, Petta, Dandongi, Viravaram, Depipatnam, (e) the Rampa Country, (4) the Laccadive Islands, including Minicoy		previous sanction of the Governor General in Council, to declare that Act XXXIV of 1850 (*for the better custody of State Prisoners*) and Act III of 1858 (*to amend the law relating to the a rest and detention of State Prisoners*) are in force in— [For a list of the districts *see* column 4] [*See* Gazette of India, 1889, Pt I, p 434, and Fort St George Gazette, 1889, Pt I, p 476]
	Ditto	Taluqs of Bhadrachalam and Rakapilli, in the Godavari District	Ditto	*No 267, dated 9th July, 1889* —In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, the Governor of Fort St George in Council is pleased, with the previous sanction of the Governor General in Council, to extend Acts Nos XXXIV *of 1850* and III of 1858 to the Taluqs of Bhadrachalam and Rakapilli, in the Godávari District [*See* Fort St George Gazette 1889, Pt I, p 476, and Gazette of India, 1889, Pt I, p 476]
XXXVII	The Public Servants (Inquiries) Act, 1850	Scheduled Districts in Ganjam and Vizagapatam	Ditto	*See Notification No 285, supra.*

[1] Repealed by the Indian Copyright Act, 1914 (III of 1914), which extends to the whole of British India

I—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
		2.—*Acts of the Governor General in Council*—contd.			
1851	[1]VIII	The Indian Tolls Act, 1851.	Scheduled Districts in Ganjam and Vizagapatam.	The whole Act .	*No. 255, dated 17th July, 1899.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to extend the Indian Tolls Act, 1851 (VIII of 1851), to the Scheduled Districts in Ganjam and Vizagapatam. [*See* Fort St. George Gazette, 1899, Pt. I, p. 888, and Gazette of India, 1899, Pt. I, p. 720.]
1852	XXX	The Indian Naturalization Act, 1852.	Ditto	Ditto . .	*See Notification No. 255, supra.*
1853	II	The Landholders' (Public Charges and Duties) Act, 1853.	Ditto . . .	Ditto . .	*Ditto.*
"	XX	The Legal Practitioners Act, 1853.	Ditto	Ditto . .	*Ditto.*
1854	XXXI	The Conveyance of Land Act, 1854.	Ditto	Ditto . .	*Ditto.*

1855	XI	The Mesne Profits and Improvements Act, 1855	Ditto	Ditto . .	*Ditto*
"	XII	The Legal Representatives' Suits Act, 1855	Ditto	Ditto . .	*Ditto*
"	XIII	The Indian Fatal Accidents Act, 1855.	Ditto	Ditto . .	*Ditto*
"	XXIII	The Mortgaged Estates Administration Act, 1855	Ditto	Ditto . .	*Ditto*
"	XXIV	The Penal Servitude Act, 1855	Ditto . .	Ditto . .	*Ditto*
"	XXVIII	The Usury Law Repeal Act, 1855	Ditto	Ditto . .	*Ditto*
1856	XI	The European Deserters Act, 1856	Ditto	Ditto .	*Ditto*
"	XV	The Hindu Widows' Re-marriage Act, 1856	Ditto . . .	Ditto .	*Ditto*
1857	XI	The State Offences Act, 1857	Ditto	Ditto	*See Notification No 289, dated 4th July, 1889, supra*
"	XXV	The Forfeiture Act, 1857	Ditto	Ditto . .	*See Notification No 285, dated 4th July, 1898, supra* [1]

[1] As to extension of Act XV of 1864 (Tolls) under s 3 thereof, to the Scheduled Districts in Vizagapatam, *see* Notification No 449, dated 7th October, 1899, Fort St. George Gazette, 1899, Pt. I, p. 1486.

I.—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
		2.—Acts of the Governor General in Council—contd.			
1858	III	The State Prisoners Act, 1858.	Scheduled Districts in Ganjam and Vizagapatam, the Taluqs of Bhadrachalam and Rakapilli in the Godávari District, and the other parts of the Godávari District noted opposite Act XXXIV of 1850, column 4.	The whole Act .	*See Notification No. 268, dated 9th July, 1898, supra, and Notification No. 267, dated 9th July, 1889, supra.*
"	XXXV	*The Lunacy (District Courts) Act, 1858.*	*The Laccadive Islands, including Minicoy.* *The Scheduled Districts in Ganjam and Vizagapatam.*	*Ditto* . .	*See Notification No. 285, dated 4th July, 1898, supra.*
"	XXXVI	*The Indian Lunatic Asylums Act, 1858.*	*The Scheduled Districts in Ganjam and Vizagapatam, the Taluqs of Bhadrachalam, and Rakapilli and the Rampa Country.*	*Ditto* . .	*See Notification No. 285, dated 4th July, 1898, supra, and Notification No. 1151, dated 3rd October, 1879, supra.*
1859	IX	The Forfeiture Act, 1859.	Ditto	Ditto . .	*Ditto.*
1859	XIII	The Workman's Breach of Contract Act, 1859.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto . .	*No. 307, dated 17th July, 1899.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of

					1874), and with the previous sanction of the *Governor* General in Council, the Governor of Fort St George in Council is pleased to extend the Workman's Breach of Contract Act, 1859 (XIII of 1859), to the Scheduled Districts in Ganjam [Fort St *George* Gazette, 1899, Pt I, p 888, Gazette of India 1899, Pt I, p 720] *and No 304, dated July 17th, 1899*—In exercise of the power conferred by section 3 (*a*) of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the *Governor* General in Council, the Governor of Fort St George in Council is pleased to declare that the Workman's Breach of Contract Act, 1859 (XIII of 1859), is in force in the Scheduled Districts in Vizagapatam [Fort St George Gazette, 1899, Pt I, p 888, Gazette of India, 1899, Pt I, p 720]
,,	XXIV	The Madras District Police Act, 1859	The Scheduled Districts in Ganjam and Vizagapatam, and the Taluqs of Bhadrachalam and Rakapilli	Ditto	*See Notification No 285 dated 4th July, 1898, supra, and Notification No 1150, dated 3rd October, 1879, supra*
1860	XXI	The Societies Registration Act, 1860	The Scheduled Districts in Ganjam and Vizagapatam	Ditto	*See Notification No 285, dated 4th July, 1898, supra*
[2] ,,	*XXVII*	*Collection of Debts on Succession*	*The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country*	*Ditto*	*Notification No 1151, dated 3rd October, 1879 supra*

[1] Repealed by the Indian Lunacy Act, 1912 (IV of 1912), which extends to the whole of British India
[2] Repealed by the Succession Certificates Act, 1889 (VII of 1889), which extends to the whole of British India

I—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
		2.—Acts of the Governor General in Council—contd			
1861	V	The Police Act, 1861 .	The Scheduled Districts in Ganjam and Vizagapatam.	Sections, 15, 15A, 16, 30, 30A, 31 and 32.	*Ditto.*
„	IX	*Minors*[1] . . .	*The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.*	*The whole Act* .	*See Notification No. 1151, dated 3rd October, 1879, supra.*
1862	III	[1]The Government Seal Act, 1862.	The Scheduled Districts in Ganjam and Vizagapatam.	Ditto . .	*See Notification No. 285, dated 4th July, 1898, supra.*
1863	XVI	The Excise (Spirits) Act, 1863.	Ditto	Ditto . .	*Ditto.*
„	XX	The Religious Endowments Act, 1863.	Ditto	Ditto . .	*Ditto.*
„	[1]XXXI	The Official Gazettes Act, 1863.	Ditto	Ditto . .	*Ditto.*
1864	III	The Foreigners Act, 1864.	*Ditto*	Ditto . .	*Ditto.*
[2] *1864*	*VI*	*The Whipping Act, 1864.*	*Ditto* . . .	*Ditto* . .	*Ditto.*

1865	III	The Carriers Act, 1865	Ditto	Ditto . .	*Ditto.*
"	XV	The Parsi Marriage and Divorce Act, 1865	*Ditto*	Ditto . .	*Ditto.*
"	XXI	The Parsi Intestate Succession Act, 1865	Ditto	Ditto . .	*Ditto.*
[3] *1866*	*V*	*The Policies of Insurance (Marine and Fire) Assignment Act, 1866.*	*Ditto*	*Ditto* . .	*Ditto.*
"	XXI	The Native Converts' Marriage Dissolution Act, 1866	Ditto	Ditto . .	*Ditto.*
"	XXVIII	The Trustees' and Mortgagees' Powers Act, 1866	Ditto . . .	Ditto . .	*Ditto.*
1867	XXV	The Press and Registration of Books Act, 1867.	Ditto .	Ditto . .	*Ditto.*
1869	IV	The Indian Divorce Act, 1869.	Ditto	Ditto . .	*Ditto*
"	[4] *XV*	*The Prisoners' Testimony Act, 1869.*	*The Scheduled Districts in Ganjam and Vizagapatam and the Taluqs of Bhadrachalam and Rakapilli in the Rampa Country*	*Ditto*	*See Notification No 285, dated 4th July, 1898, supra, and Notification No 1151, dated 3rd October, 1879, supra.*

[1] Repealed by the Guardian and Wards Act, 1890 (VIII of 1890), which extends to the whole of British India, including these *taluqs*
The Act, however, was declared not to be in force in the Scheduled Districts in Ganjam and Vizagapatam—*see* Gazette of India, 1898, Pt. I, p. 872
[2] Repealed by the Whipping Act, *1909 (IV of 1909) which extends to the whole of British India*
[3] Repealed by Act II of 1900
[4] Repealed by the Prisoners Act, 1900 (III of 1900), which extends to the whole of British India.

1.—Enactments declared in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
		2.—Acts of the Governor General in Council—contd.			
1870	VII	The Court-fees Act, 1870.	The Scheduled Districts in Ganjam and Vizagapatam.	The whole Act .	*See Notification No. 285, dated 4th July, 1898, supra.*
1871	I	The Cattle-trespass Act, 1871.	Ditto . . .	Ditto .	*No. 303, dated 17th July, 1899.*—In exercise of the power conferred by section 3 (*a*) of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to declare that the following enactments are in force in the Scheduled Districts in Ganjam and Vizagapatam namely:— The Cattle Trespass Act, 1871 (I of 1871), and the Indian Evidence Act, 1872 (I of 1872): [Fort St. George Gazette, 1899, Pt. I, p. 888; Gazette of India, 1899, Pt. I, p. 720.]
"	V	[1] The Prisoners Act, 1871.	Ditto	Ditto .	*See Notification No. 285, dated 4th July, 1898, supra.*
1872	I	The Indian Evidence Act, 1872.	Ditto	Ditto .	*See Notification No. 303, dated 17th July, 1899, supra.*

1873	X	The Indian Oaths Act, 1873	Ditto . . .	Ditto .	*See Notification No. 285, dated 4th July, 1898, supra*
1874	IX	The European Vagrancy Act, 1874	The Scheduled Districts in Ganjam and Vizagapatam	The whole Act	*No 410, dated the 13th September, 1899* — In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and *with* the previous sanction *of the* Governor General in Council, the Governor of Fort St George in Council is pleased to extend the European Vagrancy Act, 1874 (IX of 1874), *to* the Scheduled *Districts* in Ganjam and Vizagapatam [*See* Fort St George Gazette, 1899, Pt I, p 1140]
1877	I	The Specific Relief Act, 1877	Tracts in the Godávari Agency *to* which it had not been extended	Section 9	*No 41 dated the 12th January, 1900* —In exercise of the power conferred by section 5 *of the* Scheduled Districts Act 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St George in Council is pleased to extend section 9 of the Specific Relief Act 1877 (I of 1877) to those tracts in the Godávari Agency to which *it* has not hitherto been extended. [*See* Gazette of India, 1900, Pt I, p 59 and Fort St George Gazette, Notification No 59, Pt I, p 189]
			The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country	Sections 2 and 9	*Notification No 1150, dated 3rd October, 1879, supra*

[1] Repealed except s 15, in the rest of British India by the Prisoners Act, 1900 (III of 1900)

I.—Enactments in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
		2.—Acts of the Governor General in Council—concld.			
1 *1882*	*XIV*	*Civil Procedure Code as amended by Act VII of 1888.*	*Extended to the Scheduled Districts in Ganjam and Vizagapatam, the Godávari District and the Indian Ocean.*	*Sections 223 to 229.*	*Notification No. 83, dated the 19th February, 1889.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), the Governor of Fort St. George in Council is pleased, with the previous sanction of the Governor General in Council, to extend sections 223 to 229 of the Code of Civil Procedure as amended by Act VII of 1888 to all the Scheduled Districts in Madras.* *[See Gazette of India, 1889, Pt. I, p. 151, and Fort St. George Gazette, 1889, Pt. I, p. 121.]*
2 *1888*	*VI*	*The Debtors Act, 1888* .	*Scheduled Districts in Ganjam and Vizagapatam.*	*Sub-section (1) of Section 10.*	*See Notification No. 285, dated 4th July, 1898, supra.*
1898	V	The Code of Criminal Procedure, 1898.	Ditto . . .	The whole Act .	*Ditto.*
1908	V	The Code of Civil Procedure, 1908.	Scheduled Districts in Madras	Sections 36 to 43 .	*Notification No. 197 J., dated the 11th February, 1909.*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), the

					Governor of Fort St. George in Council is pleased with the *previous* sanction of the Governor General in Council, to extend sections 36 *to* 43 of the Code of Civil Procedure 1908 (Act V of 1908), to all the Scheduled Districts of Madras. [*See* Gazette of India, 1909, Pt I, p 152]

3 —Acts of the Governor in Fort St George in Council

1862	IV	The Madras Enfranchised Inams Act, 1862	The Scheduled Districts in Ganjam	The whole Act	*No 305, dated 17th July, 1899* —In exercise of the power conferred by section 3, clause (*a*), of the Scheduled Districts Act, 1874 (XIV of 1874) and with the previous sanction of the Governor General in Council, the Governor of Fort St George in Council is pleased to declare that the following enactments are in force in the Scheduled Districts in Ganjam, namely — Madras Act IV of 1862 (Enfranchised Ináms) Madras Act VIII of 1869 (Inám Deeds) [*See Fort St George Gazette* 1899, Pt I, p. 888, Gazette of India, 1899, Pt I, p 720]
1864	II	The Madras Revenue Recovery Act, 1864.	Scheduled Districts in Ganjam and Vizagapatam, the Taluqs of Bhadrachalam and Rakapilli and the Rampa[2] Country	*Ditto*	*See Notification No 285, dated 4th July, 1898 supra* *See Notifications Nos 1150 and 1151, dated 3rd October, 1879, respectively, supra.*

[1] Repealed by the Code of Civil Procedure 1908 (V of 1908) s 156 which extends to the whole of British India
[2] Repealed by the Repealing and Amending Act, 1914 (X of 1914)

1.—Enactments in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
			3.—Acts of the Governor in Fort St. George in Council—contd.		
1864	III	Abkári . .	Portions of Scheduled Districts of Ganjam and Vizagapatam to which Madras Act I of 1886 has not been extended.	The whole Act .	*No. 409, dated 13th September, 1899.*—In exercise of the power conferred by section 3, clause (*a*), of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George is pleased to declare that Madras Act III of 1864 (Abkári) is in force in the portions of the Scheduled Districts in Ganjam and Vizagapatam to which Madras Act I of 1886 (Abkári) has not been extended. [*See* Fort St. George Gazette, 1899, Pt. I., p. 1140.]
			The Taluqs of Bhadrachalam and Rakapilli.	Ditto . .	*Dated 27th July, 1880.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Governor of Madras in Council is pleased, with the previous sanction of the Governor General in Council, to extend Madras Act III of 1864 (*an Act for amending the Abkári Laws of the Madras Presidency, beyond the limits of the Madras Abkári as prescribed by Act XIX of 1852*) to the taluqs of Bhadrachalam and Rakapilli in the Godávari District.]

					[Fort St George Gazette, 3rd August, 1880, Pt I, p 327]
1865	V	The Madras District Police (Amendment) Act, 1865	The Taluqs of Bhadrachalam and Rakapilli	Ditto	See Notification No 1150, dated 3rd October, 1879, supra
,,	VI	The Madras Official Seals Act, 1865	The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country	Ditto	See Notifications Nos 1150 and 1151, dated 3rd October, 1879, respectively, supra
,,	VII	The Madras Irrigation Cess Act, 1865	Scheduled Districts in Ganjam and Vizagapatam	Ditto	See Notification No 289, supra
[2] 1865	VIII	The Madras Rent Recovery Act, 1865	Scheduled Districts in Vizagapatam, the Taluqs of Bhadrachalam and Rakapilli and the Rampa Country	Ditto	No 286, dated the 4th July, 1898 —In exercise of the power conferred by section 3, clause (a) of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St George in Council is pleased to declare that the following enactments are in force in the Scheduled Districts in Vizagapatam, namely — Regulation XXVI of 1802 (Sale and Sub-division of Malguzari lands) Madras Act VIII of 1865 (Recovery of Rent) [See Gazette of India, 1898, Pt I, p 871, and Fort St George Gazette, 1898, Pt I, p 667]
1866	II	The Madras Cattle-disease Act, 1866	The Taluqs of Bhadrachalam and Rakapilli	Ditto	See Notification No 1150, dated 3rd October, 1879, supra

[1] Mad Act III of 1884 has been repealed by Mad Act I of 1889 in all areas in which the latter Act has been brought into force under s 1 thereof.
[2] This Act was repealed by Mad Act I of 1908 which extends to the whole of the Presidency of Madras except the Presidency town, the district of Malabar and that portion of the Nilgiri district known as the south east Wynaad

I.—Enactments in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
		3.—Acts of the Governor in Fort St. George in Council—contd.			
1869	III	The Madras Revenue-summonses Act, 1869.	Scheduled Districts in Ganjam and Vizagapatam.	The whole Act	*See Notification No. 289, dated 4th July, 1898, supra.*
			The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.		*See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, supra.*
"	VIII	The Madras Ináms Act, 1869.	Scheduled Districts in Ganjam	Ditto	*See Notification No. 305, dated 17th July, 1899, supra.*
[1] *1870*	*I*	*The Canals and Ferries Act, 1870.*	*The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.*	*Ditto*	*See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, supra.*
[2] *1871*	*II*	*The Madras Rent Recovery (Amendment) Act, 1871.*	*The Scheduled Districts in Ganjam and Vizagapatam, the Taluqs of Bhadrachalam and Rakapilli, and the Rampa Country.*	*Ditto*	*See Notification No. 285, supra. And see Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, supra.*
[3] *1872*	*I*	*Police*	*The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country.*	*Ditto*	*See Notifications Nos. 1150 and 1151, dated 3rd October, 1879, respectively, supra,*

1870	I	The Madras Land-revenue Assessment Act, 1870	The Scheduled Districts in Ganjam and Vizagapatam	Ditto	*See Notification No 285, dated 4th July, 1898, supra*
1878	[1]IV	*To amend Madras Act I of 1870 (Canal Tolls and Ferries)*	*The Taluqs of Bhadrachalam and Rakapilli and the Rampa Country*	*Ditto*	*See Notifications Nos 1150 and 1151, dated 3rd October, 1879, respectively, supra*
1882	V	The Madras Forest Act, 1882	Pondakhol Mutta situated in the Surada Maliahs, in Ganjam	Ditto	*No 247, dated the 18th June, 1895*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St George in Council is pleased to extend the Madras Forest Act, 1882 (Madras Act V of 1882), to the Pondakhol Mutta situated in the Surada Maliahs being one of the Scheduled Districts in Ganjam [*See* Gazette of India, 1895, Pt I, p 620]
			Kottam, Ram and Konda Muttas of Palkonda in Vizagapatam	Ditto	*No 41, dated 14th January, 1890*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Governor of Madras in Council is pleased, with the previous sanction of the Governor General in Council, to extend Act V of 1882 (the Madras Forest Act) to the Kottam, Ram and Konda Muttas of the Scheduled Taluq of Palkonda in the Vizagapatam District [*See* Fort St George Gazette, 1890, Pt I, p 780]

[1] This Act was repealed by Mad. Act II of 1890.
[2] This Act was repealed by Mad. Act I of 1908 which *extends to the whole of the Presidency of Madras except the Presidency town, the district of Malabar and the portion of the Nilgiri district known as the south east Wynaad*
[3] This Act was repealed by Mad. Act III of 1889.

I.—Enactments in force in, or extended by Notification under the Scheduled Districts Act, 1874 (XIV of 1874), to, the Scheduled Districts in the Madras Presidency—concluded.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Places in or to which declared in force or extended.	Extent to which declared in force or extended.	Notification.
		3.—Acts of the Governor in Fort St. George in Council—concld.			
1882	V—*contd.*	....	The Rampa Country and the Ducharti and Gudteru Muttas in the Golconda Hills in the Godávari District.	The whole Act .	*No. 180, dated 12th May, 1891.*—In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to extend the Madras Forest Act, 1882, to the Rampa Country and to the Ducharti and Guditeru Muttas in the Golconda Hills, being Scheduled Districts in the Godávari District. [*See* Fort St. George Gazette, 1891, Pt. I, p. 566.]
			The taluqs of Bhadrachalam and Rakapilli.	Ditto . .	*No. 1127-F., dated 3rd December, 1885.*—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act), the Governor of Madras in Council is pleased, with the previous sanction of the Governor General in Council to extend Act V of 1882 (the Madras Forest Act) to the Scheduled taluqs of Bhadrachalam and Rakapilli in the Godávari District of the Madras Presidency.

					[*See* Gazette of India, 1885, Pt I, p 660]
1884	III	The Madras Revenue Recovery (Amendment) Act, 1884.	Scheduled Districts in Ganjam and Vizagapatam.	Ditto . .	*See Notification No 285, supra*
"	V	The Madras Local Boards Act, 1884	One hundred and twenty two specified villages in the Ganjam District	The whole Act with certain modifications	*Notification No 88, dated the 23rd February, 1894, infra.*
1890	III	The Madras Local Boards and Rent Recovery (Amendment) Act, 1890	The Scheduled Districts in Ganjam and Vizagapatam.	The whole Act	*See Notification No 285, dated 4th July, 1898, supra.*
1895	III	The Madras Hereditary Village Offices Act, 1895	All the Scheduled Districts in the Godavari District except the Ducharti and Guditeru Muttas	Ditto	*No 132, dated the 12th March, 1896*—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor General in Council, the Governor of Fort St George in Council is pleased to extend Madras Act III of 1895 (*an Act to repeal Madras Regulation VI of 1831 and for other purposes*) to all the Scheduled Districts in the Godávari District with the exception of the Ducharti and Guditeru Muttas [*See* Gazette of India 1896 Pt. I, p 249]
1 *1896*	*V*	*Repealing Mad Act III of 1882*	*The Scheduled Districts in Ganjam and Vizagapatam*	*Ditto* . .	*See Notification No 289, dated 4th July, 1898 supra*

[1] This Act has now been repealed by the Repealing and Amending Act 1901 (XI of 1901)—*see* the Third Schedule, Part III

Notification extending the Madras Local Boards Act, 1884 (V of 1884), to certain villages which form a portion of the Párlá Kimedi Maliahs in the Scheduled Districts in Ganjam.

No. 88, dated the 23rd February, 1891.—In exercise of the powers conferred by sections 5 and 5A of the Schedule Districts Act (XIV of 1874) and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased—

(*1*) to extend the Madras Local Boards Act, 1884 (Madras Act V of 1884), to the 122 villages mentioned in the Schedule annexed, which form a portion of the Párlá Kimedi, Maliahs, comprised in the Scheduled Districts in Ganjam; and

(*2*) to declare that the said Madras Local Boards Act shall, in its application to the said villages, be subject to the following modifications, namely:—

(*a*) the words "or local area" shall be inserted after "district" in section 2, sub-section (*2*):

(*b*) the words "and includes any other local area which, for the purposes of this Act, the Governor in Council may, by notification, declare to be attached to, and form part of, a district" shall be inserted at the end of clause (i) of section 3.

Schedule.

No.	Name of Mutta.	No.	Names of Villages.
1	Gumma	1	Tamarda.
		2	Loba.
		3	Gopalapuru.
		4	Bavanobuddi.
		5	Kristapuru.
		6	Addangudda.
		7	Vottujoriya.
		8	Ramchandrapuram.
		9	Chipuruppalle.
		10	Bodigam.
		11	Radhakantapur.
		12	Parida.
2	Serango	1	Ketada.
3	Ojjayagada	1	Arti.
4	Namanagram	1	Kamaipur.
		2	Pustopuram.
		3	Jagannadhapur.
		4	Londahatti.
		5	Kujasingi.
		6	Nuagam.
		7	Kalamasingi.
		8	Onchala.
		9	Buruji.
		10	Rempi.
		11	Buruda.
		12	Santosopuram.
		13	Laksmipuram
		14	Haripuram.
		15	Anandapuram
		16	Savaraharipuram.
		17	Bidduva.
		18	Rasikorayopuram.
		19	Jolla.
		20	Vothmanamguda.
		21	Gangarajopuram.

No	Name of Mutta	No	Names of villages
5	Komalasingi	1	Komalasingi.
		2	Jenapuram
		3	Konchimunda
		4	Vobasingi.
		5	Sorogolo
		6	Thobarada
		7	Kintada
6	Rayagada	1	Deminjoli.
		2	Burujango
		3	Ragunadapur
		4	Dalimapur
		5	Pegada
		6	Surada
		7	Koradasingi.
		8	Padmapuram
		9	Govindapur
		10	Domapur
		11	Herapuram
		12	Sannatundi
		13	Bodatundi
		14	Tuburusingi
		15	Podasahi.
		16	Porisola
		17	Marlava
		18	Paindaguda
		19	Koraisingi
		20	Pothisahi.
		21	Toborosingi
		22	Pekota
		23	Nimelosingi.
		24	Jolango
		25	Gopalapur
		26	Sunapur
		27	Dumba
		28	Mohane
		29	Hattibadi.
		30	Rajapuram
		31	Chompapur
		32	Koitopodoro
		33	Raigoda
		34	Dikkasai.
		35	Kristnapuram
		36	Savarakristnapuram
		37	Kharisahi
		38	Ahalapur
		39	Bhallisahi
		40	Raula
7	Narayanapuram . . .	1	Narayanapuram.
		2	Bodagam
		3	Lalusingi.
		4	Arkhabodra
		5	Lonjibhodra.
		6	Nilkantopuram
		7	Kothoor
		8	Sankurada
8	Candahathi . . .	1	Kinchilingi.
		2	Lanpuru.
		3	Candahathi.
		4	Ondharojolla
		5	Balarampuru.
		6	Tholesingi.

No.	Name of Mutta.	No.	Names of Villages.
8	Candabathi—*contd.*	7	Ramchandrapuram
		8	Godasingi.
		9	Muligumma.
		10	Pailamkonda.
9	Lavanyakota	1	Balajeepuram.
		2	Garabandhomettu.
		3	Ranthopuram.
		4	Venkatapuram.
		5	Kanuroda.
		6	Mamidipalli.
		7	Jagannadhopuram.
		8	Boddapadu.
		9	Lavanyakota.
		10	Burripadu.
		11	Bhimopuram.
		12	Thoramba.
		13	Ambajarimutta.
		14	Burushi.
		15	Ambajaril.
		16	Marangi.
		17	Bo rugam.
		18	Somovolsa.
		19	Guddibhodra.
		20	Lavunda.
		21	Devla.
		22	Gongabado.
			[*See* Gazette of India, 1894, Pt. I, p. 168.]

II.—Enactments declared by Notification under the Scheduled Districts Act, 1874, not to be in force in certain parts of the Madras Presidency.

1	2	3	4	5	6
Year	No	Short Title or Subject	Place in which declared not to be in force	Extent to which the enactment does not apply	Notification
			I.—Madras Regulations		
[1]*1816*	*IV*	*Village Munsifs*	*Scheduled Districts in Ganjam and Vizagapatam*	*The whole*	*No 287, dated 4th July, 1898.*—In exercise of the power conferred by section 3, clause (*b*), of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General *in Council* the Governor of Fort St George in Council is pleased to declare that the enactments specified in the list hereto annexed are not in force in the Scheduled Districts in Ganjam and Vizagapatam (Here follows the list, containing, among other enactments, Madras *Regulation IV of 1816.*) [*See* Gazette of India, 1898, Pt I, p 872.] *See Notification No 287, supra*
	V	The Madras Village Panchayats Regulation, 1816	Ditto	Ditto	
	[2] *VII*	*District Panchâyats*	*Ditto*	*Ditto*	*Ditto*
1817	VII	The Madras Endowments and Escheats Regulation, 1817	Ditto	Ditto	Ditto
1828	VII	The Madras Subordinate *Collectors* and Revenue Malversation (Amendment) Regulation, 1828	Ditto	Section 6	*Ditto*

[1] Now entirely repealed—*see* the Repealing and Amending Act, 1901 (XI of 1901), the Third Schedule, Part I

[2] Repealed in the rest of the Madras Presidency by Act III of 1873

II.—Enactments declared by Notification under the Scheduled Districts Act, 1874, not to be in force in certain parts of the Madras Presidency—continued.

1	2	3	4	5	6
Year.	No.	Short Title or Subject.	Place in which declared not to be in force.	Extent to which the enactment does not apply.	Notification.
			2.—Acts of the Governor General in Council.		
			The Scheduled Districts in Ganjam and Vizagapatam.	The whole . .	*See Notification No. 257, dated 4th July, 1898, supra.*
1841	XIX	The Succession (Property Protection) Act, 1841.	Ditto . . .	Ditto . .	*Ditto.*
1846	I	The Legal Practitioners Act, 1846.	Ditto . . .	Ditto . .	*Ditto.*
1849	X	The Madras Revenue Commissioner Act, 1849.	Ditto . . .	Ditto . .	*Ditto.*
1857	VII	The Madras Uncovenanted Officers Act, 1857.	Ditto . . .	Ditto . .	*Ditto.*
1858	I	The Madras Compulsory Labour Act, 1858.	Ditto . . .	Ditto . .	*Ditto.*
1863	XXIII	The Waste-lands (Claims) Act, 1863.	Ditto . . .	Ditto . .	*Ditto.*
1890	VIII	The Guardians and Wards Act, 1890.	Ditto . . .	Ditto . .	
			3.—Act of the Governor of Fort St. George in Council.		
[1]1865	VIII	*The Madras Rent Recovery Act, 1865.*	*The Scheduled Districts in Ganjam.*	*The whole* . .	*No. 288, dated 4th July, 1898.—In exercise of the power conferred by section 5, clause (b), of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Governor of Fort St. George in Council is pleased to declare that Madras Act VIII of 1865 (Recovery of Rent) is not in force in the Scheduled Districts in Ganjam.* *[See Gazette of India, 1898, Pt. I, p. 872.]*

[1] Repealed by Mad. Act I of 1908 which extends to the whole of the Madras Presidency except the Presidency Town, the district of Malabar and that portion of the Nilgiri District which is known as South-east Wynaad.

III.—Rules and orders under the Scheduled Districts Act, 1874 (XIV of 1874)

Ducharti and Guditeru Muttas placed under Government Agent, Godavari

(Notification No 217, dated 29th June, 1881, published in the Fort St George Gazette, 5th July, 1881, page 336)

In exercise of the powers conferred by Madras Act I of 1865 and section 6 of the Scheduled Districts Act (XIV of 1874) the Honourable the Governor of Fort St George in Council is pleased to direct that, from and after the 1st July, 1881, the Ducharti and Guditeru Muttas in the Golconda Hills, Scheduled District in Vizagapatam, shall cease to be under the jurisdiction of the Agent to the Governor in Vizagapatam, and that the said Muttas shall be transferred to the Godavari District, and their administration shall be thereafter conducted by the Government Agent, Godávari, under the rules prescribed by General Order, 4th July, 1879, No 1576

Rules for the Guidance of the Government Agent in Godavari

(Judicial Notification No 497, dated 19th June 1910, published in the Fort St. George Gazette, 2nd August, 1910, Part I, p 861)

Civil Justice

Rule I, Clause 1.—The said Collector and District Magistrate shall, under the designation of Government Agent, be the Collector, District Magistrate, District Judge and Sessions Judge within the said scheduled districts His Sub Collector and Assistant Collectors and any other persons whom the Governor in Council may appoint shall be designated Assistant Government Agents

Officers in charge of a revenue division of the Godaveri Agency shall exercise within their divisions all the powers which under any enactment in force in such divisions are exercised elsewhere by Subordinate and Assistant Collectors by virtue of section 3 of Madras Regulation VII of 1828 or otherwise

Clause 2—The Government Agent is empowered to appoint any of his principal native officers, or, with the sanction of Government, any other duly qualified persons to exercise, in such places and within such portion of the scheduled districts as he may consider proper, the jurisdiction vested in the District Munsifs of the Madras Presidency subject to the modifications contained in these rules

Clause 3.—Such Munsifs shall not have cognizance of any suits for real or personal property exceeding in value 300 rupees, nor shall they at any time have cognizance of any suit in which any zamindár or any mansabdár, muttadár or other feudal hill chief may be concerned [1] Provided that, subject to the proviso to clause 3 of rule 2, the Government Agent may transfer any suit in which a hill chief is concerned, if both parties desire such transfer or consent thereto and if the value of the suit does not exceed rupees three hundred, to the District Munsif within whose local jurisdiction the cause of action has arisen

Clause 4—The valuation of a suit will be made according to the provisions of section 7 of the Court fees Act [[2] Provided that the Agent, ([3] an Assistant Agent) or any such

[1] The words 'nor of suits *in formá pauperis*" etc, were repealed by G O No 2123-J, dated 4th October, 1888, and these words added by G O No 2548-J, dated 24th October, 1894

[2] These words were inserted by G O No 2123, dated 4th October 1888.

[3] These words were inserted by G O No 978-J, dated 11th May, 1893

Munsif may admit, without payment of institution-fee, any suit other than a suit brought to recover compensation for loss of caste, libel, slander, abusive language or assault if satisfied that the plaintiff is not able to pay.] Suits of the amount cognizable by the District Munsifs shall be instituted in the Courts of those Munsifs alone: Provided, however, that the Government Agent shall be at liberty at his discretion to transfer to his own Court or to that of an Assistant any suit cognizable by a District Munsif, [[1] and that an Assistant Agent may similarly transfer any such suit to his own Court.]

G. O. No. 2123, Judicial, dated 4th October, 1888,

G. O. No. 978, Judicial, dated 11th May, 1893,

G. O. No. 2548, Judicial, 24th October, 1894,

G. O. No. 441, Judicial, dated 21st February, 1894, and

G. O. No. 1779, Judicial, dated 11th November, 1905.

[2] *Rule II, Clause 1.*—Suits, the value of the subject-matter of which does not exceed Rs. 5,000, but does exceed Rs. 300, shall be instituted in the Court of an Assistant Agent only: Provided that the Agent shall be at liberty at his discretion to transfer any of the suits referred to in this clause to his own Court from that of an Assistant.

Clause 2.—The Agent and his Assistants are hereby invested with the same powers to try and determine suits as are vested in the Collectors' Courts and in the District and Subordinate Courts of the Madras Presidency respectively, subject to the modifications contained in these rules.

Clause 3.—The Government Agent shall alone be competent to try and determine suits for real and personal property exceeding rupees 5.000 in value, or for revenue-paying lands of which the annual produce exceeds rupees 500: Provided however, that claims of succession to, or of any interest in, the estates of any feudal hill chief shall not be entertained in any Civil Court, but that in all such cases the Government Agent shall submit, through the Board of Revenue, the result of his inquiries for the orders of Government.

G. O. No. 978, Judicial, dated 11th May, 1893.

Rule III, Clause 1.—The Civil Courts of each grade shall receive, try and determine suits hereby declared to be cognizable by those Courts if, in the case of suits for land or other immoveable property, such land and property shall be situate within the limits to which their respective jurisdictions may extend, and in all other cases if the cause of action shall have arisen, or the defendant at the time of commencement of the suit shall dwell or personally work for gain, within such limits. In no case will the Courts have jurisdiction to adjudicate upon property not within the jurisdiction of the Government Agent.

[3] Provided that if in a suit not being one for land and other immoveable property the defendant or all the defendants do not reside within the limits of the Agent's jurisdiction the suit shall not be instituted except with the previous consent of the Agent or the Divisional Assistant having jurisdiction over the Court in which application is made for the institution of the suit.

[3] *Clause 1-A.*—Where a suit may be instituted in any one of two or more courts subordinate to the Agent or his Divisional Assistant, is instituted in one of such courts, the Agent or his Divisional Assistant, as the case may be, shall, on application by the defendant and after hearing the objections of the other parties, if any, determine in which of the several courts having jurisdiction the suit shall proceed, and he may, where necessary, transfer the suit to such court.

Clause 2.—The Government Agent is authorized at his discretion to employ such number of pleaders in his own Court or in the Courts of his Assistants and the District Munsifs as may from time to time appear to him necessary.

---

[1] These words were inserted by G. O. No. 978 J., dated 11th May, 1893.

[2] This rule was substituted for the original rule by G. O. No. 978-J., dated the 11th May, 1893.

[3] This proviso and clause were inserted by Notification No. 698, Judicial, dated 20th September, 1910 (Fort St. George Gazette, 1910, pt. I, p. 1624).

Clause 3 —The pleader will be entitled to receive a fee according to the provisions of the Civil Rules of Practice The Government Agent shall be competent to punish any misconduct of a pleader by fine not exceeding 50 rupees leviable as an arrear of land revenue, or by cancellation of his sanad, or both

Clause 4 —Any of the landholders escribed in rule I, clause 3 may, however, be permitted to conduct his business in the Courts by his own special mukhtár, but suits for the remuneration of such mukhtar shall not be received or filed in any Court.

[1] *Rule IV* —In all original suits an appeal shall lie from the decree of a Munsif to the Court of an Assistant and from the decree of an Assistant to the Court of the Agent

Provided the petition of appeal be preferred within six weeks of the date of passing the decree, or the appellant can show just and reasonable cause to the satisfaction of the Appellate Court for not having preferred it within that period

G O No 1994, Judicial, dated 8th December 1899

[1] *Rule V.*—The decision on appeal of an Assistant shall be final Provided that the Agent may, for reasons to be recorded, allow a special appeal to be presented to his Court against such decision

G O No 978, Judicial, dated 11th May, 1893

Rule VI —When an appeal shall be preferred from any Munsif s or Assistant's decision it shall not be necessary to summon the respondent in the first instance, but after fixing a day for hearing the appellant or his pleader and hearing him accordingly, if he appears on that day, the officer to whom the appeal is presented may dismiss the appeal. If such officer does not so dismiss the appeal he shall forthwith call for the original record of the proceedings in the case, and shall fix a day for the hearing of the appeal of which notice shall be given to the appellant, and if, after the perusal of the record of the original suit and petition of appeal and hearing the parties, if they appear, the officer shall see no reason to alter the decision appealed from, it shall be competent to him to dismiss the appeal, with an endorsement on the petition of appeal that it has been so dismissed Should the officer hearing the appeal on the contrary see cause not to dismiss the appeal he shall cuase a notice to be issued to the respondent, and proceed as directed by the Code of Civil Procedure

G O No 927, Judicial, dated 7th June 1905

Rule VII, Clause 1 —The Government Agent or his Assistant, as the case may be, is empowered to call for further evidence in any case appealed or to refer the suit back to the officer who originally decided it for further evidence and for a decree *de novo* The [illegible] party, in a suit decided [illegible] f judgment and he is [illegible] w his own judgment on sufficient ground assigned

Clause 2 —The Government Agent is empowered to transfer to his own or any other court of equal or superior grade within the jurisdiction or to the court of any officer in charge of a Revenue division of the Godavari district original suits and appeals pending in the Court of a Munsif or Assistant Provided that he shall record his reasons for so doing

Clause 3 —The Government Agent is empowered to transfer original suits and appeals pending in his own court—

(1) to the court of any officer in charge of a Revenue division of the Godavari district,

(2) with the consent of the Governor s Agent, Vizagapatam, or under the orders of Government, to the Court of the Governor's Agent, Vizagapatam or of any

---

[1] These rules were substituted for the original rules IV and V by G O No 978-J, dated 11th May, 1893.

officer in charge of a Revenue division of the Vizagapatam district: Provided that he shall record his reasons for so doing.

In the disposal of the suit, the Agent, Vizagapatam, or officer in charge of a Revenue division, Godavari of Vizagapatam, shall exercise the powers of the Agent, Godavari, under these rules, and be subject to the provisions of these rules which apply to the Court of the Agent, Godavari.

G. O. No. 1794, Judicial, dated 18th October, 1907.

Rule VIII.—All decrees passed by the Government Agent on appeals from decree of his subordinates shall be final, the High Court having the power on special grounds to require him to review his judgment as may be directed by them.

Rule IX.—From all decrees upon original suits passed by the Government Agent an appeal shall lie to the High Court.

Rule X, Clause 1.—With the exception of the Court of the Government Agent, who shall be at liberty, in the execution of decrees, to employ an Assistant or Munsif, all decrees of other Courts within his jurisdiction shall be carried into effect by the Court by which the suit may have been decided.

If the person against whom, or the property against which, it is sought to execute any decree resides, or is situated within the jurisdiction of a Court of the same Agency other than the Court issuing the decree, such decree shall be executed in the manner provided in Rule XIV, clause 2, for the execution of other processes.

Clause 2.—Decrees shall be executed by an order addressed to the proper officer of the Court; but no landed property shall be attached in execution of a decree unless the authority of the Government Agent shall have been previously obtained: [[1]Provided that the following properties shall not be liable to attachment: (*a*) the necessary wearing-apparel and bedding of the judgment-debtor, his wife and children; (*b*) tools of artisans and such implements of husbandry, cattle and seed-grain as are necessary to enable the judgment-debtor to earn his living; (*c*) stipends and gratuities payable to Government pensioners; (*d*) the salary of any public office to the extent of—

(i) the whole of the salary, where the salary does not exceed twenty rupees monthly;

(ii) twenty rupees monthly, where the salary exceeds twenty rupees and does not exceed forty rupees monthly; and

(iii) one moiety of the salary in any other case;

(*e*) the wages of labourers and domestic servants.

Clause 3.—Whenever it is sought to execute within the Agency tracts a decree passed by a Court of British India situated beyond the Agent's jurisdiction, the Court issuing the decrees shall forward the decree and a copy of the judgment in the suit to the Agent, who shall cause the decree to be executed in the manner provided by these rules for the execution of the decrees of his own Court:

Provided that, for reasons to be recorded, the Agent may refuse to cause any such decree to be executed, or may at any stage of the execution order the execution of any such decree to be stayed. Such refusal or order of the Agent shall be subject to revision by the Governor in Council.

In every case the Agent shall furnish to the Court issuing the decree a certificate of execution or a copy of his order refusing to execute or staying the execution of the decree.

G. O. No. 746, Judicial, dated 26th April, 1889.

G. O. No. 937, Judicial, dated 18th June, 1910.

[2] *Rule XA, Clause 1.*—In order to provide for the custody of moveable property which has been attached under the orders of a Civil Court, the Agent may, with the sanction of Government, appoint a curator for any Court or group of Courts.

---

[1] This proviso was added by G. O. No. 746-J., dated 26th April, 1889.

[2] Rule XA was inserted by G.O. No. 2208-J., dated 23rd October, 1893.

Clause 2—The said curator shall receive such remuneration as the Agent may, with the approval of Government, from time to time determine, and he shall furnish security to such amount, and enter into a bond in such form, as the Agent may direct, for the proper performance of his duties

Clause 3—All moveable property attached under orders of the Court or of any one of the group of Courts shall be placed in the custody of the said curator

Provided that the property, if it consists of live stock, agricultural implements or other articles which cannot conveniently be removed from the locality where the attachment is effected, may be left in the locality where it has been attached at the instance, and in the charge, of the judgment-debtor the decree holder or any other person claiming to be interested therein on condition that the judgment debtor decree holder or such other person enters into a bond with one or more sufficient sureties to keep the property safely and to produce it when called upon to do so

Clause 4—Every person who applies to a Court for the attachment of moveable property shall deposit, in addition to the process fee a sum, to be fixed by the Court which shall be sufficient to cover the remuneration of the curator and all expenses connected with the removal, custody, preservation and maintenance of the property attached The sum so deposited shall be recoverable as costs of the suit.

G O No 2208, Judicial, dated 22nd October, 1893

Rule XI, Clause 1—The Government Agent is authorized, at his discretion to refer any suit or special questions in a suit, whether pending before himself, his Assistants or Munsifs, for examination and judgment by a panchâyat, to consist of three or five persons, to be selected by the Government Agent or by his Assistant, after the plaintiff and defendant have had notice and the witnesses have been assembled

The Assistant Government Agents shall be competent to exercise a similar discretion in regard to suits pending before themselves [1or the Munsifs] under these rules.

The plaintiff and defendant or their pleaders or mukhtârs shall each be permitted to challenge any members of the panchâyat, and, on sufficient reason being given for the challenge, another person or persons shall be selected to supply his or their place

The officer referring the suit to a panchâyat shall name one of the panchâyatdârs to act as the foreman, and at the request of the panchâyatdârs shall secure the attendance of all parties required for the trial of the suit If the panchayatdars are divided in opinion the opinion of the majority shall be the award of the panchâyat Any of the panchâyatdârs may, if he chooses record his reasons of dissent separately, and the same shall form part of the record of the suit

Clause 2—When a panchâyat has been nominated, the officer referring the suit shall immediately direct a gumâshta or clerk to attend the panchâyat, whose duty it shall be under the direction of the panchâyat, to record their proceedings and award, and the panchâyat shall assemble at some convenient place in his kachahri or Court or adjoining it to investigate the matter at issue.

Clause 3—When the pleading shall have been closed and evidence taken the panchâyat shall direct the parties and gumâshta or clerk to retire, and shall consult and decide on their award, and, when they have come to a decision, they shall re call the gumâshta or clerk to record the award, which (award) having been duly attested with their signature they shall deliver to the officer appointing the panchâyat, by whom, if approved, a decree in conformity therewith shall be passed, which decree, in cases where the panchâyat has been assembled by a subordinate, shall previous to its execution, be submitted to the Government Agent, who shall either confirm, modify or reverse the award or remand the case for further investigation or re investigation by a panchâyat or otherwise as may to him seem expedient When any such award shall be disapproved by the officer appoint

[1] These words were inserted by G O No 978-J, dated 11th May, 1893.

ing the pancháyat as illegal or defective on the face of it, he shall restore the suit and proceed to determine it himself.

G. O. No. 978, Judicial, dated 11th May, 1893.

Rule XII.—The Government Agent will submit to the High Court quarterly statements of the number of cases filed and disposed of by himself or his Assistants, or by the Munsifs, prepared in such form as may be by them prescribed.

Revenue.

Rule XIII, Clause 1.—In conducting their local duties in the Revenue Department, the Government Agent and his Assistants will be guided by the rules in force for the time being.

Clause 2.—The Government Agent and his Assistants will continue in their revenue capacity subject to the general control and orders of the Board of Revenue.

Clause 3.—It shall not, however, be incumbent on the Board of Revenue to interfere except in matters referred to them by the Government Agent, unless a strong necessity for such interference shall appear.

General.

Rule XIV, Clause 1.—All civil processes of the Courts situated within the Agent's jurisdiction shall be executed through the headman of the village or estate in which the person to or against whom it is issued may reside or the property against which it is issued may be situated or through the jamadár of the Court or through processs servers employed by the Court for the purpose by whom it shall be returnable on a fixed day with an endorsement certifying the manner in which it may have been executed.

Clause 2.—When the person to or against whom any process is issued resides within the jurisdiction of any Court of the same Agency other than the Court issuing the process, the latter Court shall forward the process to the Court of the Divisional Assistant within whose jurisdiction the person to or against whom the process is issued resides. The Court receiving the process shall cause the same to be executed as though it were issued by such Court, but in any case in which such Court considers the execution of the process inadvisable, it may refuse to execute the process pending the orders of the Agent.

G. O. No. 1794, Judicial, dated 18th October, 1907.
G. O. No. 937, Judicial, dated 18th June, 1910.

Rule XV.—All civil processes issued at the instance of any authority in British India situated beyond the jurisdiction of the Government Agent, to or against any person subject thereto or situated therein, shall be forwarded by letter to the Government Agent, who shall execute the same as if it were his own process, returning the said process by letter to the authority from whom it issued duly endorsed by his proper officer showing what has been done thereon:

Provided that, for reasons to be recorded, the Agent may refuse to execute, or may stay the execution of, any such process. Such refusal or order of the Agent shall be subject to revision by the Governor in Council.

Rule XVI.—All petitions against the proceedings of the Government Agent must, in the first instance, be submitted to the Government, and will be referred, when necessary either to the High Court or to the Board of Revenue, as the case may be.

Rule XVII.—Reference will be made to the Government by the Government Agent in all cases not provided for by the rules.

G. O. No. 526, Revenue, dated 20th July, 1894.

ing the pancháyat as illegal or defective on the face of it, he shall restore the suit and proceed to determine it himself.

G. O. No. 978, Judicial, dated 11th May, 1893.

Rule XII.—The Government Agent will submit to the High Court quarterly statements of the number of cases filed and disposed of by himself or his Assistants, or by the Munsifs, prepared in such form as may be by them prescribed.

Revenue.

Rule XIII, Clause 1.—In conducting their local duties in the Revenue Department, the Government Agent and his Assistants will be guided by the rules in force for the time being.

Clause 2.—The Government Agent and his Assistants will continue in their revenue capacity subject to the general control and orders of the Board of Revenue.

Clause 3.—It shall not, however, be incumbent on the Board of Revenue to interfere except in matters referred to them by the Government Agent, unless a strong necessity for such interference shall appear.

General.

Rule XIV, Clause 1.—All civil processes of the Courts situated within the Agent's jurisdiction shall be executed through the headman of the village or estate in which the person to or against whom it is issued may reside or the property against which it is issued may be situated or through the jamadár of the Court or through processs servers employed by the Court for the purpose by whom it shall be returnable on a fixed day with an endorsement certifying the manner in which it may have been executed.

Clause 2.—When the person to or against whom any process is issued resid
the jurisdiction of any Court of the same Agency other than the Court issuin
the latter Court shall forward the process to the Court of the Divisional
whose jurisdiction the person to or against whom the process is issued
receiving the process shall cause the same to be executed as thou
Court, but in any case in which such Court considers the exec
able, it may refuse to execute the process pending the o

G. O. No. 1794, Judicial, date
G. O. No. 937, Judicial.

Rule XV.—All civil processes issue
situated beyond the jurisdiction
ject thereto or situated therein,
shall execute the same as if it wer
to the authority from whom it issued
has been done thereon :

Provided that, for reasons to be record
stay the execution of, any such process. Su
subject to revision by the Governor in Council.

Rule XVI.—All petitions against the proceedi
in the first instance, be submitted to the Government, a
either to the High Court or to the Board of Revenue, a

Rule XVII.—Reference will be made to the Governmen
in all cases not provided for by the rules.

G. O. No. 526, Revenue, dated 20th July, 189

ment shall be confined, as much as possible, to a simple narrative of the facts which the party by whom or on whose behalf it is made believes to be material to the case, and which he believes he will be able to prove, if called upon by the Court.

Clause 5 —The Court may reject a written statement which may appear to be argumentative, or unnecessarily prolix, or containing matter irrelevant to the suit, and the party whose written statement is rejected for any of these causes shall not be permitted to present another written statement, unless it shall be expressly called for or allowed by the Court

Clause 6 —If at the first hearing of a suit it shall appear that the parties are not at issue on any question of law or fact, the Court may at once give judgment

Clause 7 —When the parties are at issue on some question of law or fact if the Court shall be satisfied that no further argument or evidence than such as the parties or their Pleaders can at once supply is required upon any such of the issues of law or fact as may be sufficient for the decision of the suit, the Court after hearing such argument and evidence, may proceed to determine such issue or issues, and, if the finding thereon is sufficient for the decision may pronounce judgment accordingly, otherwise the Court shall postpone the further hearing of the suit and shall fix a day for the production of such further evidence or for such further argument as the case may require Provided that if either party shall fail without sufficient cause to produce the evidence on which he relies the Court may at once give judgment

[1] *Rule XIII* —The rules prescribed by the Code of Civil Procedure [2] for the examination of witnesses in appealable cases will apply to all civil trials held before the Agent and his subordinates

Rule XIV —As soon as judgment is declared in simple suits for recovery of money the accompanying form will be filled up, describing the suit and judgment and shall be delivered to the successful party

Rule XV, Clause 1 —Parties, by mutual consent shall be at liberty at any stage of the proceedings to settle all suits by razinama, upon both parties making it a record in the Court where the suit is filed

[2] *Clause 2* —In all suits settled by razinama, the plaintiff shall be entitled to receive back half the amount of stamp duty paid on the plaint, if the razinama shall have been presented before any hearing of the suit had been held.

[3] *Rule XVI* —From decrees in original suits disposed of by Munsifs, an appeal shall lie to the Divisional Assistant, and, from decrees in all original suits disposed of by the Divisional Assistants an appeal shall lie to the Agent Provided the petition of appeal be preferred within six weeks from the date of passing the decree or the appellant can show just and reasonable cause to the satisfaction of the Appellate Court for not having preferred it within that period

[3] *Rule XVII* —The appellate decision of Divisional Assistants shall be final Provided that the Agent shall be at liberty, for special reasons to be recorded, to admit a special appeal in his Court within the time prescribed above for the admission of a regular appeal.

Rule XVIII —When an appeal shall be preferred from the Munsif's or the Assistant's decisions, it shall not be necessary to summon the respondent in the first instance, but forthwith the original record of the proceedings in the case shall be called for, and if, after the perusal of the record of the original suit and petition of appeal the officer hearing the appeal shall see no reason to alter the decision appealed from, it shall be competent to him to dismiss the same, with an endorsement on the petition of appeal that it has been so dismissed Should the officer hearing the appeal, on the contrary, see cause not to

---

[1] Rule XIII was substituted by G O No 1377-J, dated 14th July, 1881
See now Act V of 1908, printed, General Acts, Vol VI
[2] Clause 2 of Rule XV was substituted by G O No 1690-J, dated 13th October, 1862.
[3] Rules XVI and XVII were substituted by G O No 1377-J, dated 14th July, 1881

adopt such proceeding, he will cause a notice to be issued to the respondent, and proceed therein as directed by the [[1]Code of Civil Procedure].

Rule XIX.—The Agent or Assistant, as the case may be, is empowered to call for further evidence in any case appealed, or to refer the suit back to the officer who originally decided it for further evidence and for a decree *de novo*. The Agent is likewise empowered, on the application of any party in a suit decided by a Munsif or an Assistant but not appealed, to direct a review of judgment: Provided sufficient cause be shown and the application be preferred within six weeks, or satisfactory cause given why that period has been exceeded; and the Agent is further competent to authorize a Munsif or an Assistant to review his own judgment on sufficient ground assigned; and also to remove to his own or to any other Court in the jurisdiction, by precept under his official seal and signature, any suit which may be pending in a lower Court, recording his reason for so doing.

Rule XX.—All decrees passed by the Agent on appeals from decrees of his subordinates shall be final, the Sadr Court having the power on special grounds to require him to review his judgment, as directed by them.

Rule XXI.—From all decrees upon original suits passed by the Agent (with the single exception specified in the next following rule), an appeal shall lie to the Sadr Court to be disposed of as provided in section 6, Act XXIV of 1839: Provided such appeal is preferred either to the Agent or the Sadar Court within three months after the Agent's decision; or after that period, if sufficient cause can be assigned to the Sadr Court for any delay which may have occurred by petition on the prescribed stamp, and subject to the other rules required in other appeals, to the Sadr Court, as provided in the Madras Code and Acts applicable to that Presidency.

Rule XXII.—From the decrees of the Agent in suits wherein the landed possession of a Zamîndâr, Bissoye or other Feudal Hill Chief may have formed the subject of litigation, an appeal will lie to the Govenor in Council alone who may refer any such appeal for the decision of the Sadr Court: Provided that the decree of the latter Court shall not be carried into execution without the permission of the Governor in Council.

Rule XXIII.—In cases in which a witness may reside at a considerable distance, or may be unable from sickness or other cause to attend the Court. his deposition may be taken by the nearest [[2]Divisional Assistant or Munsif] on written interrogatories to be transmitted by the Court.

Rule XXIV, Clause 1.—All Civil process of the Courts situated within the Agent's jurisdiction shall be served through the headman of the village or estate where the defendant may reside or through the Jemadâr of the Court, by whom it shall be returnable on a fixed day, with an endorsement certifying the manner in which it may have been served.

[3]*Clause 2.*—When the person to or against whom any process is issued resides within the jurisdiction of any Court of the same Agency other than the Court issuing the process the latter Court shall forward the process to the Court of the Divisional Assistant within whose jurisdiction the person to or against whom the process is issued resides. The Court receiving the process shall cause the same to be executed as though it were issued by such Court, but, in any case in which such Court considers the execution of the process inadvisable, it may refuse to execute the process pending the orders of the Agent.

Rule XXV.—As a general rule a party in whose favour a decree is passed in suits for money claims may obtain execution thereof by the production of the document referred to in rule XIV and without any formal petition; but the Agents are at liberty, when they deem it advisable, to have execution applied for in the manner at present observed.

---

[1] The words "Code of Civil Procedure" were substituted by G. O. No. 1377-J., dated 14th July, 1881. *See* the Code of Civil Procedure, 1908 (Act V of 1908); General Acts, Vol. VI.

[2] The words "Divisional Assistant of Munsif" were substituted by G. O. No. 1377-J., dated 14th July, 1881.

[3] Clause 2 of Rule XXIV was substituted by G. O. No. 2064-J., dated 8th August, 1885.

Rule XXVI, Clause 1—With the exception of the Court of the Agent, which shall be at liberty in the execution of decrees to employ an Assistant or Munsif, all decrees of other Courts within his jurisdiction shall be carried into effect by the Court by which the suit may have been [[1]originally] decided [[2]If the person against whom or the property against which it is sought to execute any decree resides or is situated within the juris-diction of a Court of the same Agency other than the Court issuing the decree, such decree shall be executed in the manner provided in rule XXIV, clause 2, for the execution of other process

Clause 2—Decrees shall be executed by an order addressed to an officer of the Court or the headman of the village in which the debtor may usually reside, or where the property may be situated if the decree be for personal property or a sum of money, by causing the specific thing to be delivered or the value of it or the sum of money decreed to be levied by the public sale by auction of a sufficient portion, or if requisite for the satisfaction of the decree the whole, of the lands houses and all effects, either real or personal belonging to the party against whom the judgment may have been given, or by the attachment of his person or where it may be necessary, both by the sale of his property and effects and the attachment of his person, but no sale of any landed property attached in execution of a decree shall be legal unless the authority of the Governor's Agent for such sale shall have been previously obtained

[3] Provided that the following properties shall not be liable to attachment —

(*a*) the necessary wearing apparel and bedding of the judgment-debtor, his wife and children,

(*b*) tools of artisans and such implements of husbandry, cattle and seed grain as are necessary to enable the judgment debtor to earn his living,

(*c*) stipends and gratuities payable to Government pensioners,

(*d*) the salary due to a public officer unless such salary exceeds Rs. 20 per *mensem* in which case a moiety may be attached,

(*e*) the wages of labourers and domestic servants

Clause 3—Decrees against such Rajas and other Chiefs as the Agent may except from the ordinary process shall be executed under such rules as may be specially provided with the sanction of Government

[4]*Clause 4*—Whenever it is sought to execute within the Agency tracts a decree passed by a Court of British India situated beyond the Agent's jurisdiction, the Court issuing the decree shall forward the decree and a copy of the judgment in the suit to the Agent, who shall cause the decree to be executed in the manner provided by these rules for the execution of the decrees of his own Court

Provided that, for reasons to be recorded the Agent may refuse to cause any such decree to be executed or may at any stage of the execution order the execution of any such decree to be stayed Such refusal or order of the Agent shall be subject to revision by the Governor in Council.

In every case the Agent shall furnish to the Court issuing the decree a certificate of execution or a copy of his order refusing to execute or staying the execution of the decree

Rule XXVII, Clause 1—The Agent and his Assistants are authorized at their discretion to refer any suit, or special questions in a suit for examination and judgment by a Panchâyat, to consist of three or five persons to be selected by the Agent or Assistant after the plaintiff and defendant have had notice and the witnesses have been assembled The plaintiff and defendant or their Pleaders or Mukhtârs shall each be permitted to challenge any members of the panchâyat, and, on giving sufficient reason for the

[1] The word 'originally' was added by G O No 1377-J, dated 14th July, 1881

challenge, another person or persons shall be selected to supply his or their place. Pancháyats assembled under these rules shall be guided by the enactments for District Pancháyats contained in the Madras Code of Regulations and Acts applicable to that Presidency, except as they are modified by these rules. When a Pancháyat has been nominated, the Agent or his Assistant shall immediately direct a gumashta to attend the Pancháyat to record their proceedings and award. The Agent or Assistant shall then direct them to proceed forthwith to some convenient place in his kachahri, or adjoining it, to investigate the matter at issue. When the pleadings shall have been closed and evidence taken, the Pancháyat shall direct the gumashta and parties to retire, and shall consult and decide on their award; and when they have come to a decision they shall re-call the gumashta to record the award, which (award) having been duly attested with their signature, they shall deliver to the officer appointing the pancháyat, by whom, if approved, a decree in conformity therewith shall be passed, which decree in cases where the Pancháyat has been assembled by a subordinate shall, previous to its execution, be submitted to the Agent, who shall either confirm, modify or reverse the award, or remand the case for further investigation or re-investigation by a Pancháyat, or otherwise as might to him seem expedient.

Rule XXVIII.—The Agent will submit to the Sadr Court half-yearly statements of the number of cases filed and disposed of by himself and his Assistants and by the Munsifs, prepared in such form as may be by them prescribed.

REVENUE.

Rule XXIX, Clause 1.—In conducting their local duties in the Revenue Department, the Agents of the Governor will be guided by the rules hitherto in force, and exercise the same powers as are vested by Regulation in the Collectors of land-revenue both as regards the realization of the public revenue and the trial of the public servants charged with malversation and corruption.

Clause 2.—The Agents and their Assistants will continue in their revenue capacity subject to the control and orders of the Board of Revenue.

Clause 3.—It shall not, however, be incumbent on the Board of Revenue to interfere, except in matters referred to them by the Agent, unless a strong necessity for such interference should appear, and in cases of the nature described in Regulation IX of 1822,[1] tried by the Agents, a record of the proceedings is dispensed with and a full explanation by letter only will be required.

GENERAL.

Rule XXX.—All process, Civil or Criminal, issued at the instance of any authority [[2]in British India] situated beyond the Agent's jurisdiction to or against any person subject thereto or situated therein, shall be forwarded by letter to the Agent, who shall execute the same as if it were his own process, returning the said process by letter to the authority from whom it issued, duly endorsed by his proper officer, showing what has been done thereon: [[2]Provided that, for reasons to be recorded, the Agent may refuse to execute, or may stay the execution of, any such process. Such refusal or order of the Agent shall be subject to revision by the Governor in Council.]

Rule XXXI.—All petitions against the proceedings of the Agent must in the first instance be submitted to Government, and will be referred when necessary either to the Court of Sadr and Faujdari Adálat, or the Board of Revenue, as the case may be.

Rule XXXII.—Reference will be made by the Agent to Government in all cases not provided for by the rules, and whenever it may be expedient the opinion of the Sadr and Faujdari Adálat, or of the Board of Revenue, as the case may be, will be required.

---

[1] Printed *supra*.

[2] The words "in British India" and the proviso were added by G. O. No. 2064-J., dated the 8th August, 1885.

Form referred to in Rule XIV

In the Court of the Agent to the Governor of Fort St George

Original Suit No of 189 .

——————————————————*Plaintiff*,

versus

——————————————————*Defendant*

Judgment for (Plaintiff or Defendant, as the case may be),

Debt	Rupees.
Costs	Do
TOTAL	
	Rupees

Given under my hand and the seal of the Court this day of 189 .

Agent

G O No 10, Judicial, dated 6th January, 1863

Under the authority vested in him by section 4, Act XXIV of 1839, His Excellency the Governor in Council cancels so much of the Revised Agency Rules, sanctioned by Government in their Proceedings of the 24th July, 1860, No 931, as relates to criminal justice, and authorises the Agents in Ganjam and Vizagapatam, respectively, to exercise the powers of a Session Judge, in addition to those belonging to a Magistrate of a District under the Code of Criminal Procedure

* * * * * * * *

JUDICIAL NOTIFICATION, DATED 9TH JUNE 1863

(G O No 900-JUDICIAL, 9TH JUNE, 1863)

(*Published in the Fort St George Gazette, 9th June, 1863, p. 916*)

It is hereby notified that on the 1st day of July, 1863, the Civil and Session Court, now established at Masulipatam will be abolished, and that on that date the Taluqs in the Kistna Collectorate, now subject to the Civil and Session Court of Masulipatam, will be subjected to the jurisdiction of the Civil and Session Court of Guntur.

INDEX

(The references are to pages)

CALCUTTA
SUPERINTENDENT GOVERNMENT PRINTING, INDIA
8, HASTINGS STREET